

RETURN TO FREEDOM

RETURN TO FREEDOM

*THE AFFAIRS OF OUR TIME
AND THEIR IMPACT UPON YOUTH*

EDITED WITH PREFATORY NOTES BY

Thomas H. Johnson

INTRODUCTION BY

Allan V. Heely



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Designed by Robert Josephy

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CONTENTS

INTRODUCTION TALK AND TALKERS	vii
Allan V. Heely, <i>The Lawrenceville School</i>	
LEARNING AND THE LIFE OF MAN	5
Carl L. Becker, <i>Cornell University</i>	
THE FORCES THAT MOLD MEN'S LIVES IN PEACE AND WAR	25
James R. Angell, <i>President Emeritus of Yale University</i>	
THE PROBLEM OF STATESMANSHIP TODAY	46
Francis P. Sayre, <i>Former United States High Commissioner to the Philippine Islands</i>	
LAW, LAWYERS, AND THE PUBLIC	64
Zechariah Chafee, Jr., <i>Harvard University</i>	
THE SPIRITUAL BASES OF DEMOCRACY	105
Henry Sloane Coffin, <i>Union Theological Seminary</i>	
"TIME IS LIKE A FASHIONABLE HOST"	115
John P. Marquand	
THE WAR AND THE AMERICAN CHARACTER	133
Bruce Bliven, <i>Editor of The New Republic</i>	
TO HALT IN THIS LAND	144
Max Lerner, <i>Chief Editorial Writer of PM</i>	
THE CITIZEN AS PUBLIC SERVANT	155
Charles P. Taft, <i>State Department, Washington</i>	
JAPAN AND AMERICA AN INTERPRETATION	169
Joseph C. Grew, <i>Former Ambassador to Japan</i>	
EDUCATION AND THE SOLDIER'S RETURN	192
Dixon Wecter, <i>University of California at Los Angeles</i>	

INTRODUCTION

Talk and Talkers

In the dream scene in Barrie's *A Kiss for Cinderella*, Lord Times, embodying the power and dignity of the press, interrupts the royal goings-on with the disapproving command, "Less talk!" The conversation he was hearing was perhaps unbecomingly frivolous. Yet the reader receives the impression that Lord Times objected to talk as talk. If so, he exhibited a lack of faith which it is the business of educators to exorcise.

The Lawrenceville Forum lectures were founded on a faith in talk. Schoolmasters would be the last to entertain illusions on the subject. They talk too often with too little visible effect for that. But their business is in essence the art of human communication. And they know that the just word, spoken by the right person at the right time, is in the highest degree creative and propulsive.

One of the duties of an American school is to make young people realize that the American concept of democracy stands or falls on the individual's discharge of his civic responsibilities. Americans are inclined to approve of democracy as a general principle but to regard it as a piece of machinery. It looks so big to them that they can scarcely conceive how one person can do anything about it. The obvious fact that masses are made up of individuals does not as often stimulate our hope as unnerve our initiative. To the planners of the Lawrenceville Forum, therefore, it seemed useful to bring before a group of boys distinguished individuals who had a public record which gave their witness prestige and authority.

The idea was conceived in the early part of 1941. Reversing the usual procedure of choosing names first and subjects afterward, the planners first established ten important fields in

RETURN TO FREEDOM

which men and women may importantly contribute to their times. civilization and history, statecraft, public affairs, religion and ethics, education and public morals, literature and the arts, science, current history, business and national welfare, manners and civilization. Then the best speaker was sought to occupy each category. The eye of the planners was on the need of emphasizing to students in a secondary school the responsibilities of young people and the part they might be expected, as educated men, to play in solving the problems of the future. The general purpose contained the hope that the audience would infer the importance of individual contributions to the progress of the democratic system.

The lectures delivered during the school year 1941-1942 were published in book form by G. P. Putnam's Sons under the title *Men of Tomorrow*. The second and third years' lectures are the contents of this volume.

Two events have occurred since the project was inaugurated to give the original concept added sharpness and pertinence. The first, of course, was Pearl Harbor. The problems of a democracy scarcely needed further debate before a group whose members were about to go out and fight for it. But Pearl Harbor had also the immediate effect of making thoughtful boys eager to secure that its like should not occur again, and it stirred them to discuss the chief and particular sore spots which periodically plunged the world into paroxysms of self-destruction. To young men in such a case, the advent of leaders of thought was a strengthening and a clarifying experience.

The second event followed from the first. The war has brought to most of us a sense of urgency, of the imminence of critical decisions which cry to be soundly made. Daily duties, even the apparently humdrum routine of academic life in wartime, have been lifted to the higher level of responsibilities which, simply because they are ours, we cannot fail to meet. Young men in such a case are glad to get what help they can from seasoned souls who have walked the path before them or are at present leading others through its first steps.

TALK AND TALKERS

Of course, one of the problems of democracy is precisely how to keep that sense of urgency in time of peace; how to make permanent and habitual that sense of personal participation in great events, how to raise up men who can see beyond the pedestrian chores of today the hopeful, human, breathing whole of which they are a part. To this end, too, the testimony of men who have kept their faith and kept on trying brings boys measurably closer.

So the Forum lectures have been well timed, better than their planners had seen at the beginning.

It has been heartening to observe the response of the lecturers to their assignment. After accepting the invitation to speak, some of them have asked for conferences to discuss further the purposes of the Forum. They have submitted manuscripts in advance and asked for criticisms or offered alternative approaches to their subjects for our selection. They have been willing to arrive early on the day they were to lecture to meet with small groups of boys particularly interested in their field and later to chat and discuss and argue with larger numbers of boys at tea. When they proceeded to lecture in the evening, considerable numbers of their audience had already taken their measure and found it formidable but human. Later still the speakers frequently talked at length with members of the faculty. It has all been a pretty thorough course in the importance of the individual in a democracy. That it has left its imprint on the boys' minds has been plainly evident through subsequent conversations.

Nor has the effect been one-sided. Men tired by their burdens have come to the school and started willingly enough, but in low mental gear. The eagerness, vitality, and intelligent curiosity of the boys have soon acted on the speakers like a tonic, and at their formal lectures they have responded plainly and pleasurably to the enthusiasm of their reception.

Unconsciously but certainly the schoolboy audience has experienced a sharpening of the critical sense that will add to its members' effectiveness as citizens throughout their lives. They have come to distinguish the merely entertaining from

RETURN TO FREEDOM

the solid and the penetrating and to prefer the latter. They can recognize the second-rate or the obvious, and they condemn it as less than the best. It is not given to most men to lead others. All but a few of us are born to follow. In a sound democracy it is essential that the led should be able to recognize sound leadership from hollow.

But the best thing to do about these lectures is to read them; remembering, as their editor says, that they were delivered to "the youth who will determine the quality of civilization in another generation."

Here are the talkers.

Allan V. Heely

Lawrenceville, N. J.
February, 1944

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RETURN TO FREEDOM

Carl L. Becker

THIS vigorous essay on liberty is presented as a survey of the part learning had played in preserving man's free institutions. It is the kind of pronouncement that stabs through the pall of doubts which at times settle down upon a fractious world. "I am persuaded," the author concludes, "that . . . any survey of the long history of learning and the life of man can but strengthen the faith and fortify the courage of all men of good will, since it provides a solid support for believing that humanity is stronger than hate, and will not be defeated by it."

This conviction is the product of a lifetime of absorptive study and admirable scholarship. Carl Becker is a historian whose shrewd, clear thinking has always commanded respect among fellow historians; his skill as a writer has been their envy. He has no vaudeville tricks to call attention to himself no spotlight follows him across the stage. But those who have an eye to thorough workmanship, who enjoy vivacity without bombast, and the fine competency of a liberal mind, will find this discourse to their taste.

Carl Becker has his roots planted deep in American soil, and our heritage of liberties has been the subject of much of his best writing. Here he widens the horizon whence he views the times by sweeping back into the world of primal man. Bit by bit he traces the progress of free knowledge as it has unsteadily, but surely, advanced against fear, ignorance, and superstition. "The enduring strength of democracy," he remarks near the end, "is that it frankly recognizes the age-long human impulse to know what is true, and attempts to build civilization on a foundation of fully ascertained and verifiable knowledge."

RETURN TO FREEDOM

Many years ago John Milton, also a close student of Plato's way of thinking, stated that political liberty depends upon the personal freedom in man's heart and mind from the domination of passion. Man, says Milton in *Paradise Lost*, procures his own enslavement by spiritual lassitude

Therefore since he permits
Within himself unworthy powers to reign
Over free Reason, God in judgment just
Subjects him from without to violent lords;
Who oft as undeservedly enthrall
His outward freedom

The application of that conviction to our present problems, with observations on the ways of meeting the challenge, is the substance of this essay.

T. H. J.

LEARNING AND THE LIFE OF MAN

by Carl L. Becker .

UNIVERSITIES are commonly called centers of learning. If worthy of the name, they are rightly so called, since the increase and refinement of knowledge is their proper aim and their chief title to distinction. But the term learning, used in this connection, is apt to suggest something massive and formidable. We think at once, if we have even a little learning, of the greatly learned—of Thomas Aquinas, perhaps, and the twenty volumes of the *Summa Theologiae*, or of J. J. Scaliger and the *Emendatione Temporum*, or of old Emmanuel Kant and the *Critique of Pure Reason*. In any case, whether we have ever heard of these greatly learned men or not, we can all think of professors, full of uncommon knowledge of something or other, and therefore able and more than willing to write exhaustive and even exhausting monographs, for the *Encyclopaedia Britannica* perhaps, on the most recondite and unalluring subjects, such as paleography, or weights and measures, or the infusoria. Learning in this sense is clearly something exclusive and aristocratic, something at all events which the ordinary man does not yearn for and cannot in any case ever acquire.

Learning of this sort is often subject to suspicion, and even to attack, as an expensive luxury of little import to the general run of men, and, indeed, in so far as it cannot be organically related to the needs of man as a social animal, it must be classed with the eccentric if harmless diversions, such as contract bridge or crossword puzzles. Let us, then, for the moment forgetting about universities and the recondite learning acquired by professors, think of ordinary men and of learning in the broad, elementary sense that it is

RETURN TO FREEDOM

possible and appropriate to them. Taking the term in this elemental sense, it is obvious that all men are, within the limits of circumstance and their own capacity, learned. Broadly speaking, the impulse to know, so far from being confined to the greatly learned, is a universal human trait, and the learning accumulated in universities is only a correction and an elaboration of the learning that is always and everywhere essential to the life of man.

Man is not the only creature capable of learning, but he is the only one capable of appropriating for his own use the learning of others. Tigers, for example, have not this capacity. Every tiger, as Ortega y Gasset says, is a "first tiger," starting from scratch, learning all over again what the first tiger learned, so that the race of tigers, after six thousand or six million years of learning, is still condemned to an endless repetition of the same activities. Man is not thus limited. Every generation, appropriating through oral communication and written records the knowledge acquired by those that have gone before, is something different from any preceding generation, and every man in each generation, carrying along day by day the accumulating memories of things experienced by himself and others, is every day something different than he was the day before. Instead of endlessly repeating his activities, man can therefore progressively transform them.

It is true that at any time the activities of man, no less than those of all living creatures, are conditioned by his biological inheritance and his environment; but of all living creatures man alone is capable of making an ideal extension of his environment beyond the narrow confines of what is directly perceived and experienced. The point was once succinctly stated by the late Professor Charles Henry Hull of Cornell University in conversation with the former dean of the law school, E. H. Woodruff. Speaking of a certain man, Dean Woodruff made the unguarded statement that his phenomenal success was wholly due to his environment.

LEARNING AND THE LIFE OF MAN

"But what," asked Professor Hull, with that bland simplicity that could prove so devastating, "do you mean by his environment? Do you mean his undershirt or the starry firmament?" What distinguishes the life of man is that his environment may be ideally expanded to include not merely that which is immediately experienced, but also all that is known or imagined to exist within the starry firmament, and all that is known or imagined to have occurred in the dark backward of time passed. Learning is essential to the life of man because it is only through learning that the environment which conditions the thought and conduct of men can be thus expanded and enriched.

Such an ideal expansion of the environment is as necessary for primitive as for civilized man; but the primitive man, for want of knowledge, constructs an environment that is, beyond the realm of immediate experience, largely imaginary. The world as known to primitive men has been well described by Alexander Goldenweiser.

In all prehistoric communities, those, that is, without written records, the continuity of cultural life . . . is carried by two vehicles on the one hand, by the objective continuity of material culture, on the other, by tradition, the knowledge of facts and events as carried in the minds of individuals and communicated by the spoken word from father to son.

The historic depth of such tradition is slight. It is communicated by fathers and grandfathers, and it reaches back to their fathers and grandfathers, and beyond this span of three or four generations it does not extend with any degree of accuracy . . . The knowledge of facts and events, historically so shallow, is also closely limited geographically . . . The group is thoroughly conversant with the human, animal and material factors of its immediate environment. Outside of this a fragmentary and unreliable set of data is available referring to the people and regions with which some sort of contact is maintained. But there the world of humanity ceases. Beyond is the void, the realm of imagination, with its grotesque creatures and fantastic happenings.

RETURN TO FREEDOM

Within this narrow world the primitive man lives. Within it he is at home. His knowledge of it is matter-of-fact, sound, adequate for practical purposes, and sufficiently co-ordinated for him to realize and hold in memory the necessary relation between what he has done, is doing, and purposes to do. Beyond this narrow world is the void—the void of the unknown outer world of nature, the void of the unknown remote times passed. What the void contains the primitive man does not know, but he is aware that it must contain something, something which, since it may aid or thwart his purposes, it would be useful to explore. For primitive man, like the immature child, like the civilized man for that matter, is not content to live wholly within the restricted world of matter-of-fact knowledge, since he finds it too monotonous to be satisfying, too immediately experienced to be wholly intelligible, and too precarious to be entirely safe. Inevitably, therefore, he enlarges the world of the matter-of-fact imaginatively, by projecting into the unknown void—the outer world of nature, the remote world of time passed—those activating agencies and events that his limited experience assures him must be there, and which, being there, provide him with a rational explanation and a moral justification for his daily activities.

In this or some similar manner prehistoric man made an ideal extension of his environment, projecting into the outer void of nature an elaborate structure of magic, and into the outer void of remote time passed, a more or less finished epic story. A little learning was sufficient for creating and sustaining this primitive social structure, and there was no disposition to change it. On the contrary, so long as experience remained fairly constant, the disposition was to retain it intact, since experience seemed to demonstrate that every departure from established ritual and custom would be attended with disaster. Many primitive peoples, therefore, never forced to question the truth of magic or the epic story, and consequently never learning anything more, are still repeating the activities that from time immemorial have

LEARNING AND THE LIFE OF MAN

been found safe and sufficient. For them learning is essentially a matter of preserving what has always been known each generation accepting without question what its fathers and grandfathers knew, and transmitting it unimpaired to its children and grandchildren

Not all prehistoric peoples, however, were able to retain intact this relatively simple social structure. Some five or six thousand years ago certain peoples in China and India, in western Asia, in Egypt and the Aegean lands had already passed from the primitive to what, for want of a better term, we call the civilized state. The reasons for this change are obscure. But we can note certain characteristics, common to these early civilizations, that distinguish them from primitive society as we know it. They all possessed the art of writing, and they all possessed a more advanced technology. These appear to have been the controlling factors, and it was no doubt largely on account of these factors that the early civilizations all exhibited a social organization in which the relative uniformity of status and possessions had been replaced by sharply defined class distinctions. Above all classes was the king, revered and obeyed as himself a god, or the descendant of the gods, or as ruling in place of the gods. Below the king were the favored few, whose interest it was to support the king since he guaranteed their privileges. There were the priests and scribes, who kept the records and interpreted and administered the ritual of thought and conduct, and the nobles, who appropriated the land to their own advantage and lived in idleness on the labor of others. Below the privileged few were the artisans and mechanics, skilled masters and preservers and improvers of technological knowledge, merchants and money-changers who manipulated the exchanges. Lowest of all were the submerged masses, peasants and slaves, providing under compulsion, as tillers of the soil or personal servants, the material support for the superstructure of privilege and power.

In these more complex but less stable communities it was impossible to retain intact the inherited tradition of habit

RETURN TO FREEDOM

and knowledge, since the diversity of status and possessions had destroyed the psychological as well as the social uniformity of the community. As classes emerged from the social mass, the individual emerged as something of, but apart from, the class or society to which he belonged. In due time there emerged, from the mass of individuals, the exceptional individual; and the exceptional individual, if even a little curious, was presented with contrasts too obvious to be ignored, and too flagrant to be accepted without question or protest. It was obvious that the king was more godlike than the priest, the priest more sacred than the noble, the noble more privileged than the artisan, the artisan less servile than the peasant, the peasant less degraded than the slave. Written records, in due course, disclosed the disconcerting fact that the event as remembered differed from the event as recorded, that customs once prevailing no longer obtained, that other peoples had alien gods, and that while empires once commanding the four quarters of the world had lost their power, cities once insignificant had acquired great renown.

Thus made aware that fortune is inconstant and the life of man precarious, the exceptional individual was confronted with the most devastating of all facts—namely, that in an indifferent universe that alone endures, man alone aspires, struggles to attain, and attains only to be defeated in the end. For mitigating the implications of this disturbing fact, the learning received and transmitted by priests and scribes was not enough—there must be something more to be learned—some deeper truth not symbolized in the ritual, some unnoted event, some consoling meaning not disclosed in the epic story. Sooner or later, therefore, exceptional individuals, not of the priests and scribes, were impelled to ask all of the fundamental questions: What is the true nature of man and the real meaning of life? What are the gods, that man should be mindful of them? What is the real character of the activating agencies behind appearance in the outer world of nature? What is fact and what poetry in the epic

LEARNING AND THE LIFE OF MAN

story? What is just and what is unjust in individual behavior and in social arrangements?

With these questions once clearly posed in unstable societies, learning could no longer be confined to the preservation and transmission of what was already accepted as known. Partly from the pressure of practical needs, partly from deliberate intention, what was imagined or conjectural in primitive learning was gradually replaced by knowledge better verified, inferences more relevant, and insights more profound. Not the least significant aspect of this progressive expansion of knowledge is that for certain exceptional individuals learning became an end in itself—an activity inspired by the desire to distinguish what is true from what is false in the inherited tradition, and to add something more to the accumulated store of verifiable fact. Philosophy and religion, mathematics and science and technology, history and the social studies, as they have developed through the ages, are but differential corrections and elaborations of primitive man's magic and the epic story—increasingly deliberate and systematic efforts to find out what actually exists and is occurring in the outer void of the physical universe, and what has existed and has occurred in the outer void of remote times passed. The result of this effort, during some five thousand years, has been to substitute for the medicine man's magic the matter-of-fact structure of natural science, and for the poet's epic story the historian's verifiable account of man's origin and adventures.

The assumption on which this enterprise rests is that it is essential to the welfare of mankind to know what is true about man and the universe in which he lives. If the assumption is valid, then universities, in so far as they are centers of learning, are indispensable institutions, because they are places where the search for truth is deliberately and systematically pursued.

The origin of universities as we know them is commonly traced back to the twelfth century—to the parent universities of Paris and Bologna. But disregarding names, the thing

RETURN TO FREEDOM

itself is much older. For the universities of Paris and Bologna were originally no more than groups of exceptional men, surrounded by their pupils, engaged in the deliberate and systematic attempt to learn what is true. In a very real sense, then, the origin of universities as centers of learning carries us back to those exceptional individuals who first asked and attempted to answer the fundamental questions about man and the universe in which he lives—to Buddha, to Lao Tse and Confucius, to Zoroaster and Solomon, to Socrates and Plato and Aristotle. These men may be said to have founded the earliest centers of learning, the earliest universities, and their activities are worth noting briefly since they exhibit, in their elemental and therefore in their essential form, the virtues and defects of universities as we know them

One of the earliest, and perhaps the most famous, of all centers of learning was established in Athens, in the fifth century. If we think of it as a university, we see at once that it may be taken as the ideal of such institutions. It had no organization—no president, no buildings, no overhead, no fees or other requirements for entrance, no degrees, no athletic or alumni associations. The institution consisted of one professor, Socrates, and such pupils as he could beguile, at any time of day or night, in any place, to engage in discussion with him, and with each other, about such questions as man and nature, justice and virtue, life and death, immortality and the gods. The quality and distinction of this university was entirely due to the quality and distinction of its faculty, Socrates, who had in perfection the virtue that all professors should have in the measure of their capacities—the virtue of being driven, by some inner demon, to be always engaged in the disinterested search for truth. This essential virtue of universities, the university of Socrates possessed in the highest degree. The essential defect of universities Socrates managed to avoid because, fortunately, he never discovered the truth, and was therefore never in a position to abandon the search for it

Buddha, founder of a still earlier center of learning, was

LEARNING AND THE LIFE OF MAN

less fortunate than Socrates in this respect. He started out well enough. He started out under his own name—Godiva. Bored by the conventional life of a man of wealth and position, Godiva studied all the current philosophical systems, looking for the right way of life. Not finding it there, he abandoned his family and friends, and with some disciples went into seclusion, hoping to find the right way by fasting and mortification of the flesh. One day, from weakness, he fainted away, and upon recovering consciousness astounded his disciples by demanding food, and then wandered off by himself until he came to a great tree, where he sat and meditated, and there, suddenly, the right way of life was miraculously revealed to him. Having discovered the truth, the search for it was obviously ended, so that Godiva ceased to be a center of learning, and became a center of teaching only. He ceased to be Godiva and became the Buddha—the authoritative teacher and propagator of the truth, the one right way of life. This is the defect that universities are always prone to—the defect of their virtues. Seeking for the truth, they are always in danger of thinking they have found it, and being satisfied.

I need scarcely say that this is an oversimplification of the virtues and defects of universities as we know them. The centers of learning established by Socrates and Buddha were one-man affairs, relatively free from commitments to the community. But universities in the ordinary sense, as they have existed since the twelfth century, are institutionalized centers of learning, thoroughly warped into the social structure by their vested interests and loyalties, their rights and obligations as defined by the law and custom of the community. Whether privately endowed or state- or church-controlled, they have never been free, as Socrates and Buddha were free, to be solely occupied with the increase and refinement of knowledge. On the contrary, they have always been, tacitly or explicitly, under bond to the community to transmit to the rising generation what the community thinks it useful for the rising generation to know. Universi-

RETURN TO FREEDOM

ties as we know them have therefore always been regarded as performing a double function. One function is to preserve and transmit learning, the other is to increase it

In an ideal world these two functions would supplement and reinforce each other. But in the world as it is, it often happens that the search for knowledge is at war with the preservation and transmission of it, because the new truth appears to the community to be the deadly enemy of the old. The classic example of this perennial conflict is exhibited in the trial and death of Socrates. Claiming to be a public benefactor because he had always taught men to seek virtue and wisdom by examining the foundation of accepted beliefs, Socrates suggested, perhaps ironically, that the men of Athens should for that reason give him what amounted to an endowed professorship in the Prytaneum. But the men of Athens, so far from regarding Socrates as a public benefactor, condemned him for corrupting the Athenian youth by his atheistical ideas, and instead of giving him a professorship in the Prytaneum gave him a cup of hemlock to drink.

The men of Athens did what any community might do under similar circumstances. However much any community may approve of learning, it always keeps the cup of hemlock in reserve for those who teach too ardently truths that are socially indigestible. Feeling instinctively that social cohesion and public authority are somehow dependent on the accepted pattern of thought and conduct, the community is apt to regard the search for truth, whenever the truth discovered threatens the conventional mores, as an antisocial and dangerous enterprise. Never, therefore, in an imperfect world, can the Socrates and the Brunos be entirely free to perform their proper function. At any given time they will be less free to announce novel truths about certain subjects than about others. But in general it may be said that the maximum of freedom for the Socrates and Brunos in respect to all subjects will obtain only in those fortunate times when the premises accepted by scholars as essential to the search for truth are in harmony with the fundamental assumptions

LEARNING AND THE LIFE OF MAN

accepted by the community as essential to the maintenance of public authority and the achievement of the good life. Such fortunate times have occurred only twice since the eleventh century—once during the twelfth and thirteenth centuries, once during the nineteenth and early twentieth century, and only during these times have universities been important centers for the increase as well as for the preservation and transmission of human learning

Medieval universities present us with an arresting paradox—they seem to us to have been peculiarly bound, and yet to have been singularly free. For two centuries, as self-governing corporations but little hampered by church or state, they welcomed all of the most distinguished scholars of the time, from Abelard to Duns Scotus, and with little question permitted them to teach what they believed to be true. This freedom strikes us as admirable, and yet as a little incredible, since we know that the Roman Church jealously safeguarded the prescribed faith, and suppressed heresy with an assurance equalled only by lack of compunction. Surely, we think, if these distinguished scholars were free, they must have been singularly incurious, and if they were so incurious, how could they have advanced the frontiers of knowledge?

The explanation of this seeming paradox cannot be attempted here. But the main point is that the social authority of the Roman Church and the intellectual authority of the universities rested upon a common faith in respect to fundamentals. The Christian story of man's origin and destiny was taken, by learned no less than by common men, to be the ultimate because the divinely revealed truth, and as such to be accepted without question as the first premise of knowledge and the foundation of the good life. If it was necessary for common men to believe in order to live the good life, it was no less necessary for scholars to believe in order to know what could be rationally known. Professors were therefore free because they did not expect to find, and accordingly did not find, anything to be really true that could not be made to conform to the Christian story, any

RETURN TO FREEDOM

more than the modern scholar expects to find anything true that does not conform to the natural law of cause and effect. For medieval scholars the search for truth was therefore a matter of reconciling factual knowledge of nature and history with the Christian story; and since their first premise took the form, not of a flexible generalization, but of concrete events recorded in historical documents, the instruments best suited to effect the reconciliation were grammar and logic, dialectic, and, when hard pressed, an intricate allegorical and tropological symbolism.

Within this frame of reference and with these instruments the great schoolmen worked for two centuries to advance the frontiers of knowledge. We may say, of course, that they did not really advance the frontiers of knowledge, or we may say that advancing the frontiers of knowledge at that time was a matter of learning again what had once been known but since lost to Western Europe. Within the limits of the Christian story there was room for finding out what the Greeks had known, and the Arabs knew, about nature and history, geography and astronomy and mathematics, law and medicine, politics and government, the mechanical and the fine arts, and room also for recovering and improving the ancient skill in the handling of grammar and logic, dialectic and symbolism. But with this accomplished, the problem of reconciling what was known with what must be believed was already so formidable that only the most learned and subtle doctor could contemplate it with equanimity, and when, late in the thirteenth century, Thomas Aquinas exhausted the resources of logic and dialectic to reconcile all knowledge with the Christian story, the work of the great schoolmen was finished. Within the limits of their frame of reference the *Summa Theologiae* was indeed attained, and the frontiers of knowledge could be further extended only by discarding the premises they had accepted and the techniques they had employed.

Discarding the premises and the techniques of the schoolmen was the controlling factor in the history of learning

LEARNING AND THE LIFE OF MAN

after the fifteenth century. Leading scholars turned to natural science and history as the subjects of chief interest, and employed observation, experiment, and the exact notation of factual phenomena as the most fruitful method of approach. Three centuries of historical research unearthed a connected story of verifiable events that made it possible to regard the history of mankind, not as a decline and fall from original perfection, but as a progressive improvement from primitive or barbarous beginnings. At the same time, more competent observation and measurement of material things disclosed an outer world of nature that, so far from being the unpredictable sport of the gods, appeared to be rational through and through, and that would for that reason lend itself, without resentment or retaliation, to manipulation and control in the interest of human needs. Under the impact of these discoveries scholars discarded the Christian story of man's origin and destiny as the necessary first premise in the search for truth, and enthroned in its place the conception of a universal and invariable natural law of cause and effect.

Working within this frame of reference, modern scholars have made an unprecedented increase in matter-of-fact knowledge of man and the world in which he lives. It is this increased knowledge that largely distinguishes the modern from the primitive man, and even from the men of ancient Babylonia and Greece. The modern man's native intelligence is probably no greater than theirs was, nor is his ideally created environment more extended. Confucius and Aristotle could easily conceive of a universe infinitely extended, and without beginning or end in time. But for the modern man the outward void of nature and time passed is filled with more, and more concrete and familiar, things: with atoms and stars and galaxies of measured mass and ascertained behavior, with a long succession of generations of men like himself, thinking as he thinks and acting with like motives to bring to pass a linked series of recorded and credible events running from remote times to the present. Thus the modern man, moving freely through the outer world of nature and

RETURN TO FREEDOM

remote times passed, is always at home because, wherever he may find himself in the unbounded universe, he meets with no alien men or inexplicable events, and it is for this reason that he is in a position, provided he can direct his knowledge and power to good ends, to master the world in which he lives and shape his own destiny.

To this expansion of knowledge, during its initial stages from the sixteenth to the eighteenth century, the universities contributed very little. Of all the most distinguished scholars from Erasmus to Gibbon (one might make a list of perhaps thirty-five or forty), very few were associated with, and still fewer encouraged by, any university; and of these few Kepler was forced out of Tübingen, Galileo was compelled to recant his teachings, and Giordano Bruno, wandering from one university to another and welcomed in none, was burned at the stake. Instead of promoting the new learning the universities were for the most part either indifferent or opposed to it.

The essential reason for this long hibernation of the universities is that the premises and conclusions accepted by the scholars who promoted the new learning were, or were thought to be, irreconcilable with the religious faith accepted by the community. The Protestant Reformation was a revolt against the Roman Church which, in its political aspects, enhanced the power of kings and princes by subjecting the churches to the secular state. But in no sense was it a denial of anything fundamental to the Christian faith. In Protestant no less than in Catholic countries the Christian story of man's origin and destiny was still taken, by the great majority, to be the necessary foundation of knowledge, morality, and public authority, and no prince or king could well maintain his authority except by guaranteeing the religion (Protestant or Catholic) adhered to by a majority of his subjects. A fanatical religious quarrel thus became identified with a ruthless civil and international struggle for political advantage, very much as clashing ideologies are identified with political conflicts in our time. The situation, then and

LEARNING AND THE LIFE OF MAN

now, reminds one of a pregnant saying of Hume: "Everything is disputed as if nothing could be certain; but the dispute is carried on with as much passionate conviction as if nothing could be in doubt." It was obviously less safe to countenance doubt when there were two religions, each claiming divine authority and backed by formidable political power, than it had been when there was only one. Unusual precautions had, therefore, to be taken against subversive opinion, and in every country schools and universities became, either through inertia or social compulsion, more or less docile agents of church and state for propagating the established religion and teaching obedience to kings and magistrates.

Universities could not again become centers for the advancement of learning until the premises and implications of the new learning ceased to be regarded by the community as dangerous to morality and public authority. This came to pass as a result of the liberal-democratic revolution of the eighteenth and nineteenth centuries. The revolution was directed against the arbitrary power of kings, the class privileges of nobles and clergy, and the regimentation of opinion by church and state. For justifying the revolution, the premises of the new learning were admirably suited from the universal law of nature postulated by scholars, social philosophers derived the imprescriptible natural rights of all men to the very liberties the revolution aimed to win, and made these liberties the foundation of morality, religion, and political authority. Among the imprescriptible rights were freedom of opinion, and freedom of learning and teaching as a guarantee that opinions might be sound. The social philosophy of liberal democracy thus made a marriage of convenience with the new learning: both parties professed to believe that the search for truth was essential to knowledge and the good life; both professed to believe that truth was not something once for all divinely revealed, to be dogmatically interpreted and enforced by church and state, but a progressive discovery negotiated by the open competition of in-

RETURN TO FREEDOM

dividual judgments freely arrived at by the application of reason to the knowledge available.

Marriages of convenience are not always an unqualified success; and it is true that the freedom of learning and teaching officially proclaimed in the democratic social philosophy was not all at once, or ever, completely accorded by the community. The long-standing warfare of science with theology continued, with waning ardor, until the practical application of scientific research to the health and wealth and convenience of the community conferred upon natural science the prestige of a religious faith. Social science and economic enterprise were less easily reconciled. Hardheaded men of wealth could endow universities and believe in freedom of teaching without (such is the perversity of the human mind) believing in the freedom of professors to teach socialism; and we must regretfully record the fact that among the eminent social philosophers of the nineteenth and twentieth centuries Thorstein Veblen, to mention only one, was discreetly elbowed out of the academic world, while Henry George, Proudhon and Bakunin, Karl Marx and Nicolai Lenin never were and never could have been invited to join the faculty of any college or university.

We record these limitations and deplore them. Nevertheless, having witnessed the complete degradation of universities in those countries that have renounced the theory and practice of democracy, we cannot miss the essential point. The essential point is that only in the nineteenth century, when the liberal-democratic philosophy was becoming a dominant influence in social thinking, even in those countries that had not yet adopted democratic institutions, did universities sufficiently recover their freedom to become the leading, if not the only, centers for the advancement of learning.

For some years now we have witnessed the declining prestige of the democratic philosophy, the spread of the totalitarian philosophy and the establishment of totalitarian institutions in many countries, and the suppression, in those

LEARNING AND THE LIFE OF MAN

countries, of all the freedoms which are associated with democratic institutions. At the present moment the democratic and the totalitarian countries are engaged in a desperate struggle for survival and supremacy. The insistent question in all our minds is, what will be the outcome? What will be the outcome if the democratic countries suffer military defeat? What will be the outcome even if they win military victory? Is it true, as has been said, that democracy, and the freedom of learning and teaching which it maintains, is an outmoded system? Is it true, as has been said, that totalitarianism, and the regimentation of learning and teaching which it enforces, is the coming thing, the "wave of the future?" From any survey of learning and the life of man, even one as brief and inadequate as this one, I think we may draw certain conclusions that are relevant to these questions.

It is clear that since prehistoric times the impulse to know what is true has been a human characteristic too universal and tenacious to be denied. Under whatever forms of government and social organization, deliberately or without conscious intention, with or without the approval and support of the community, within the established universities or outside of them, the search for truth has gone on, and matter-of-fact knowledge of man and his world has been slowly and painfully accumulated and preserved and transmitted. It is not too much to say that this tenacious search for truth and accumulation of knowledge has been the decisive fact in human history, the foundation of all the achievements that successive generations have commonly regarded as admirable, as having enduring value, and as therefore providing a valid standard for judging the advance or decline of human civilization. With whatever reverses, this has been the controlling "wave of the future" in all times past. I think we may count on its being, with whatever reverses, the controlling wave of the future for our time also.

The democratic way of life is essentially a set of values—values which find expression in certain institutional forms. The institutional forms are bound to change, but the endur-

RETURN TO FREEDOM

ing strength of democracy, if it has any, arises from the fact that the values which it proclaims spring from something essential to the nature of man and therefore inseparable from his welfare. The enduring strength of democracy is that it frankly recognizes the agelong human impulse to know what is true, and attempts to build civilization on a foundation of freely ascertained and verifiable knowledge. The essential weakness of the totalitarian philosophy is that it denies the agelong human impulse to know what is true, disregards ascertained and verifiable knowledge except in so far as it may be useful for the attainment of immediate and limited political ends, and attempts to rebuild civilization on a foundation of primitive fears, ignorance, and superstition. Is it, then, too much to say that democracy is in this sense in harmony with a fundamental and persistent trend in human history, while totalitarianism is at war with it?

I have been speaking of the advancement of learning and the increase of knowledge. But I am aware that knowledge in itself is not enough. Since knowledge may be used for evil as well as for good ends, it needs to be restrained and directed by integrity and good will. All men of good will live, not by knowledge alone, but also by faith—faith grounded in religion or some set of ethical principles. Yet faith in itself is not enough either. Faith needs to be restrained and directed by knowledge as a guarantee that it be not delusion. I am persuaded, therefore, that in this great crisis of the world, when we seem to feel, as the poet Jeffers says, "a gathering in the air of something that hates humanity," any survey of the long history of learning and the life of man can but strengthen the faith and fortify the courage of all men of good will, since it provides a solid support for believing that humanity is stronger than hate, and will not be defeated by it.

James R. Angell

THOUGH no thematic pattern was necessarily intended by the contributors of this series of essays, the fact is that the following discussion by Dr. James R. Angell on "The Forces That Mold Men's Lives in Peace and War" is a companion piece to the preceding essay by Professor Becker. They complement each other in a most striking manner, and the forcefulness of their common utterance derives in no small measure from the fact that a study of cultural survival is presented in the first essay by a historian, here it is approached from the point of view of the psychologist.

Can educational institutions as we have known them in Western civilization, asks Dr. Angell, carry over past the ravages of a world upheaval? It is possible, the author thinks, that "the very character of the instruction which has traditionally been given in these schools will be superseded by the pursuit of other and far less humane studies . . ." Truth, Philip Guedalla once remarked, is something like the furniture in *Through the Looking Glass*, which could only be reached by resolutely walking away from it

In this stimulating paper is brought to bear the critical sagacity of one who speaks with authority. For many years as a leading psychologist in this country, and later as president of Yale University, he not only has observed the affairs of men but has been a major force in shaping them. The charm and vigor of his wit reflect an imaginatively observant mind. And his conclusion here must be read not as the facile optimism of one who is inexperienced but as the pronouncement of a truth discovered—the end product of a lifetime of close study:

RETURN TO FREEDOM

Fortunately there reside in men's natures reservoirs of flaming spirit from which issue in times of stress deeds of valor and heroism. . . This it is which produces that unconquerable spirit which has brought victory, often long deferred, to every great cause that free men hold dear.

T. H. J.

THE FORCES THAT MOLD MEN'S LIVES IN PEACE AND WAR

by James R. Angell

IT HAS become a truism to say that we are living today in the midst of a world cataclysm literally without parallel in any former period of human history—one which dwarfs all previous experience of horror and tragedy, one which seems to render almost entirely irrelevant any ordinary standards of values and conduct. Technological skill based upon the exercise of man's highest intelligence over many years is being employed to destroy that which it has itself produced, together with countless other works of man's creative spirit. This intelligence, so marvelous in its mastery of the physical world, has been so feeble and inept in its effort to master the world of social relations, so bemused by sheer moral insanity, that Western civilization has been actually tottering on the brink of destruction.

In the face of such conditions as these the aims of a school like this, and we the people in it, may well seem to constitute the very smallest and most negligible ripple on the shores of a great sea of human concerns immeasurably more important and more urgent. And it is a disturbing consideration to which one cannot be oblivious that the very existence of institutions of this kind is in the balance. Should the totalitarian nations overrun our land, all schools of every kind, as we have hitherto known them, will be destroyed. And even if we ourselves be victorious, it is not incredible that such a radical reorganization and regimentation of our educational institutions may occur as to destroy in effect, if not in theory, all independent endowed schools, bringing our entire educational machinery under government control. Furthermore, if the trends which are now expressing themselves so actively in the training of men for war should carry over into the

RETURN TO FREEDOM

period of peace, the very character of the instruction which has traditionally been given in these schools will be superseded by the pursuit of other and far less humane studies. If these remarks too much suggest the voice of a discredited Cassandra, I can only say that I naturally trust they may be proved ill-founded. But no cold appraisal could hold them altogether impossible. Certainly until and unless men learn that to overlook or snub moral and spiritual values in education is to perpetuate the kind of world in which a Hitler and a Mussolini can flourish, we shall not get on with the civilization we have been trying to build.

When poets or moralists speak of the forces which move men to action, they are wont to dwell on instinct and appetite and passion, on sentiment and feeling and emotion, on pain and pleasure and even at times upon sheer intelligence. Being by profession a psychologist myself, I have no disposition to challenge the essential correctness of many of the contentions they present, however differently I might sometimes wish to phrase the notions they offer. But, while I shall later return to consider the bearing of these ideas upon the total picture representing man's struggle to preserve himself and the values he cherishes in this tormented world, I wish first to take a larger view and come at these more personalized conceptions from a broader and more inclusive vantage point—one which will take us backward in time and outward in space from the little world in which, perforce, each of us must live out his allotted span of life.

Say what we will, man is but one of a vast horde of animals living on this globe, outnumbered hopelessly by many of them, himself but a tiny speck upon its surface of which he has been a resident for only a few moments of cosmic time, and this very globe in its turn, compared with its heavenly companions, is but a minor satellite in a second-rate stellar system whose central star, our sun, is only a pigmy compared with its larger neighbors. Altogether we are no great shucks in the universe of stellar affairs and if we were not hopeless egotists, it would probably be hard to make out

THE FORCES THAT MOLD MEN'S LIVES

any case for bothering about the forces that impel us to this act or that. It seems unlikely that any save we ourselves are apt to consider the matter of importance. Perhaps other animals entertain similar delusions of grandeur, but this seems improbable. Meantime, it certainly intrigues us to consider the nature and fate of our kind and, whether from vanity, anxiety, or sheer curiosity, we are often concerned to dwell upon our own personal make-up and frequently are moved to irritated wonder that others so entirely fail to understand us. In any event, in view of the chaos which the world is facing, I am proposing that we scan the scene for a little to discover what are the proximate forces bringing this sickening calamity down upon mankind. If in the process we learn something of our own nature, it will do us no harm.

For the purposes of this address we may conveniently consider (1) physical and biological man, (2) social man, and (3) spiritual man, for there are significant forces on all these sides of his nature which converge to influence his life. Let me direct your attention to examples of each and then re-assemble our data to try and reach some general impressions of the case.

Every informed person is aware of the fact that the characteristics of our bodies are in the first instance determined by heredity, and these hereditary factors reflect an indefinitely extended ancestry—in fact go clear back to our animal forebears. The color of our eyes and hair, the pigmentation of our skin, the contours and dimensions of our bones, and so on and so forth are determined by the way our inherited genes and hormones combine, and we cannot do very much about it. Good or poor nutrition may influence the growth of the human organism, but its intrinsic attributes are essentially determined by inheritance. Moreover, the indigenous quality of the mind, connected as it is with the brain structure, owes its traits to these same hereditary factors. It may be trained to function more or less effectively as a result of discipline, but the limits of its potential accomplishment are again the outcome of heredity. It is for reasons such as these

RETURN TO FREEDOM

that, if one desires to possess a certain type of physique and a certain kind of mind, it is so important to choose one's great-great-grandparents, at the very least, with the most meticulous care. Of course, if our choices of male and female ancestors did not chance to fancy one another, it would be just too bad, for in that case they would not marry and we should never appear on the scene.

Again, climate and geography exercise a far more fundamental influence on humanity than most of us appreciate. If we live in cities, we have little occasion to pay attention to the matter. But those who live on farms are well aware of the consequences which may flow from good or bad weather, and to all men who live much out-of-doors, as do sailors and herdsmen, to say nothing of airplane pilots, weather is an article of prime consequence upon which success or failure may depend and, not infrequently, life itself. Even military campaigns may be ruined by climatic disturbances.

Moreover, when we have regard to mankind in the mass and over the years the effects of geography and climate are seen to have exercised the most profound results. A pronounced change in rainfall, such as has repeatedly occurred in the past, may result in the abandonment of vast areas of land and the necessary migration of huge populations, as has more than once happened.

Again, the appearance of a disease, like malaria, which depends for its spread upon the bloodthirsty anopheles mosquito, who in turn depends upon geographical surroundings offering plenty of stagnant water, may crucially affect a whole civilization. As many of you doubtless know, there is no little evidence to suggest that the decay of both Greece and Rome were materially hastened and possibly largely caused by these agencies. Certainly the disease is devastating where it once gets a firm foothold, though in our day, thanks to quinine and to assaults on the breeding grounds of the offending mosquito, the malady is, in some regions, on the way out. The ravages of hookworm and their effects on human behavior are equally familiar, though less directly fatal to life.

THE FORCES THAT MOLD MEN'S LIVES

Extremes of heat or cold appear to be unfavorable to the large scale flourishing of our race, while the more northerly of the *temperate* climes, with their frequent sharp oscillations of temperature, appear to be especially stimulating to the human mind and to energetic human endeavor. Certainly tropical climates do not permit such continuous and alert activity, either of body or mind. Add to this fact the incidence of tropical diseases, and the relatively backward condition of many tropical regions is at once intelligible.

Furthermore, some racial stocks seem to develop better in climates of one particular kind. In general, the dark-skinned races appear better adapted to the warmer climates, and some northern white stock, for example the Scandinavians, flourish better in damp cool climates than in those that are hotter and dryer. Of course there is good reason to infer that these diversities of skin pigment may themselves be evolutionary adjustments of the organism to the climatic conditions in question.

All these considerations obviously relate to men in the mass in their dependence upon food and shelter and the conditions which assure these; but their impact is none the less direct on the individual person, and the fact that, under conditions like our own, we have learned how to control to our advantage many of the consequences of these climatic factors does not change the further underlying fact that we must constantly adjust ourselves to them or suffer pain, hunger, disease, and premature death. By heating and cooling our homes we neutralize extremes of temperature, by transportation and preservation of foods we relieve ourselves of dependence upon the productivity of our immediate neighborhood. By irrigation and by drainage we mitigate for our productive soil the consequences of too little or too much water. By the use of chemical fertilizers we enormously increase the fecundity of the soil, at the same time by selective breeding of animals and plants we augment the hardiness and the food values of these forms of life. Our elaborate economic and technological civilization tends to screen from

RETURN TO FREEDOM

us the ineluctable fact that we are the hopelessly dependent children of mother earth, but it is everlastingly true, and we never wholly elude the consequences of this fact. The lone wanderer in the wilderness, or in the jungle, wages an hourly battle for his very life, but we—the children of a softer fate—are in the last analysis equally dependent on the forces of nature, and we cannot long flout them without disaster. In all these ways geography and climate exercise a steady though often unrecognized influence on men's lives.

On these physical and biological foundations man has developed, over the centuries, a social order varying widely in structure but everywhere creating a pattern within which he must live. The completely isolated individual, independent of other men and women, is a fiction of the romantic imagination, although for certain periods of the lives of a few individuals there have been instances of this type of insulated existence.

Turning then to the social frontier, we come on a set of circumstances which, like physical nature, play powerfully on men. The ill-informed often fancy that the conditions of primitive societies involve great individual freedom of action. Nothing could be further from the fact. Every moment of life in primitive communities is hedged about by restraints imposed by customs, taboos, superstitions, and the like. Violation of these regulations is visited by swift and condign punishment. Only in highly civilized communities is there a reasonable amount of personal freedom. Yet here, again, law and custom impose restraints which, operating equally on all, assure to the individual a large measure of protection against arbitrary intrusion upon his liberties. In other words, the price one pays in a civilized community for immunity from violence and disorder is a certain curtailment of one's own freedom of action.

But the forces which play upon man in organized society far transcend those of law and mere social custom, important as these are. All the great institutions which men have created on the one hand incessantly offer instigations to

THE FORCES THAT MOLD MEN'S LIVES

action and on the other provide metes and bounds within which such action must occur. Education, religion, medicine, commerce and industry, agriculture, transportation by land, air and water, the theater, music, the arts—there is no limit to the list.

Schools and colleges are obviously devised to develop and discipline mind, body, and character. In this, taken as a whole, they are measurably successful, and persons who pass through them normally find their minds enlarged, strengthened, and released from crippling limitations, although they are not always aware of that fact, nor unduly grateful. At the same time they are stimulated to types of conduct which otherwise would lie outside the range of their capacities and desires. Of the institutions of religion and of the church, I shall have something to say a little later.

The great professions, such as law, medicine, divinity, teaching, engineering, and the like all afford opportunity for occupations which may monopolize the larger part of a man's interest, time, and strength. The conditions under which they are conducted impose the severest demands upon their representatives and in effect largely determine the life pattern.

All the other divisions of social organization exercise in differing degree and variant manner the same kind of impress on the conduct of men. In other words, organized society does not make its impact on the motives and activity of men in a general undifferentiated way. It does it through specific institutions and agencies, which, as we have remarked, man himself has created, and the weight of their influence is commonly decisive. Thus a man cannot go individualistic and try to operate as a lone wolf in running a railroad train. He must co-ordinate his effort with that of hundreds of others, or disaster will ensue, and he himself will be shut up or erased. The same thing is true in principle of all social relations, although some are more intimate and direct than others. Love affairs, close friendships, family relationships fall in a different category from business con-

RETURN TO FREEDOM

tacts. But all of them exercise influences which we cannot escape and many of them are essentially coercive. Taken in their entirety they substantially determine the main lines of our conduct and so the predominant nature of our character and personality. So much for a brief sketch of the physical, biological and social forces that affect men.

Fortunately, man has aspiration as well as ambition, idealism as well as realism, and the spiritual forces which play upon him are not less influential for being unseen. In his sensitiveness to truth and beauty and the good opinion of his companions, in his love for wife and family, home and friends and country, he is subject to forces which spring up within his own nature and give point and purpose to his entire life. That a man may be hopelessly selfish does not wholly alter the picture, for he may, and often does, include many of those close to him in the orbit of his selfish interests.

And just as on the secular social side he has built up, to meet his needs, innumerable institutions—political, governmental, educational, economic, and the like—so on the spiritual side he has built the church and the many ancillary organizations created to supplement its work. Through these agencies he is able to gratify his impulse to worship, and from them he receives constant incentive and encouragement to live in love and charity with his neighbors, to seek the good life and the welfare of all mankind.

These are ideals which profoundly appeal to all finer natures, and when embodied in a religion like Christianity, they exercise a tremendous influence on the lives of men. The temptations to vice and crime, like the instigations to envy, to malice, to brutality, to dishonesty and sheer meanness, find many antisocial persons who cannot resist, but any society in which such individuals, or such traits, come generally to prevail speedily disintegrates and is replaced by some more wholesome order. The physically and morally normal person is not he who is immune to temptation, but he who is able to face it and so control his conduct as to

THE FORCES THAT MOLD MEN'S LIVES

heed the dictates of his conscience, to preserve his self-respect, and to avoid doing needless harm to others.

Among the spiritual and ethical sentiments of man one of the most deeply ingrained is love of the home land—what we commonly call patriotism. Nor does this sentiment depend necessarily upon the special form of government which may be in control. Monarchies, empires, democracies, even dictatorships apparently elicit the same deep devotion, the same willingness to give life itself if necessary to preserve the integrity of the nation. On a smaller scale we find analogous loyalty to the lesser units of society—the city, the town, the club, the school, the gang—what you will. The occasional clash of these loyalties creates moral problems and perplexities of no mean kind.

Now what forces have turned our world upside down? Do they essentially differ from those we have been canvassing? Why are men dying by tens of thousands on battlefields, and other thousands, men, women, and children, suffering the tortures of hell—cold, hunger, disease, the loss of family, friends and possessions, the frustration of every normal human desire? Why should all this happen at a time when more than ever before man is potentially master of the physical forces of nature and especially of the means of transportation and communication, when by the exercise of intelligence and a modicum of generosity and good will, he could easily be more fully provided with the necessities of life than has ever previously been possible? No short and simple answer is at hand. Indeed, no one is wise enough to compose it, but at least we may observe some of the unmistakable major symptoms of the trouble.

While history is not too clear about details, we know full well that one civilization after another has been born, grown up, decayed, and passed away, often leaving little or no remains upon which its character can be confidently reconstructed. A common thesis has been that as a culture develops and grows strong, the people who have fostered it become the victims of a decadent luxury and vice which its very success

RETURN TO FREEDOM

has made possible, and that it consequently gives way to some more rugged group whose culture may be far more primitive, but whose vigor more than compensates for any such shortcoming. On this theory there is in human history a sort of dialectic oscillation between extremes of physical hardihood on the one hand, based on simple living close to the soil, and on the other, a decay of moral and national fiber incident to the acquirement of wealth, ease, and power. Each wave of cultural development may reach a little higher point than its predecessor before it retreats, though this is by no means invariably true, but the slow evolution of culture in its entirety is always an affair of alternating progress and decay.

Presumably such formulae oversimplify the actual process into which at times have certainly been introduced factors such as profound climatic changes, the devastation of epidemic and endemic diseases, and the like. Moreover, the great waves of migration which history records and as a consequence of which one civilization has been overrun by another have apparently come about not so much as gratuitous and greedy enterprises of tribes filled with blood lust, as because the pressure of population had outrun food supplies. Occasional military adventurers there have, of course, been—Alexander and Genghis Khan are illustrations—but their successes have apparently been in large part dependent upon the previous demoralization of their victims through a great variety of circumstances affecting food supply and health.

In the instance now before us we see the breaking of a storm which, with the benefit of hindsight, can be traced to causes having their origin in a far distant past, coming to a preliminary head in 1914-19, and in 1941-42 reaching a devastating climax whose issue is still uncertain. Taking the statements of the aggressor nations at their face value, what were the chief sources of tension and irritation leading to the present explosion?

In the case of Japan, this was attributed to the asserted im-

THE FORCES THAT MOLD MEN'S LIVES

possibility of supporting the growing population without expansion into other than Japanese territories and without command of the economic resources in purchasing power and materials then in the control of other—and often allegedly unfriendly—nations. Behind these physical and economic demands, and inextricably intermeshed with them, were the greed for power of the military clique seeking to control the nation in order to force it into imperialistic policies which would make it supreme in Asia and in the Pacific and justifying this course by the pretense that the nation was in danger of attack and mortal injury by envious neighbors. Here then we have military ambition exploiting food, economic, and population problems to justify unspeakable brutality in the prosecution of an utterly needless war which, before it ends, may well leave the nation completely prostrate.

The case of Italy was somewhat different, for its Fascist origins nominally arose from internal conditions reflecting popular impatience and disgust at the effort of self-seeking industrial and labor interests to grasp supreme power, utter distrust of the corrupt political forces which had entrenched themselves after the last war, and a willingness to exchange for these blots on the national escutcheon a dictatorship which promised to produce economic plenty for all with the suppression of political corruption and disorder.

In this connection it must not be forgotten that Italy felt she had been very shabbily treated at the council table which drafted the peace measures and the Treaty of Versailles at the end of the war. Moreover, she had come out of the war to all intents and purposes completely impoverished.

The dream of African imperialism was of a slightly later origin, although from classical times down Italy has always cherished territorial ambitions on that continent—partly as a relief to her excessive population, partly as a potential market for her wares, partly as a military protection against attack. The Punic wars of early times illustrate these motives. Since the Napoleonic wars, not to go further back, she has

RETURN TO FREEDOM

always had designs upon French territory; but never before had she committed herself to the moral degradation of waiting until, as she supposed, another power had laid France prostrate before turning to stab her neighbor and earlier ally. In this case then we have internal economic and social confusion used to justify territorial brigandage and war.

Germany, nursing the grievances of the Treaty of Versailles, whose provisions she avoided in every possible way, both open and surreptitious, unready for the republican government she tried to establish, threatened with communism and bolshevism by large segments of her laboring population, fear-ridden, impoverished, frustrated, and in despair, persuaded herself that she was the innocent victim of hostile nations determined to exterminate her and that her troubles were in large measure due to the treacherous activity of Jews. In consequence she lent her ear to the rabble rousing paranoiac, Hitler, and entered upon the insane and inhuman course which has practically wrecked Europe and will certainly ruin the rest of the world if it be not utterly destroyed.

Our ally Russia, the last great European power essentially under a dictatorship, arose from a revolutionary movement coming out of the last war, though incubated many years before, and resulting in the overthrow of the Imperial Romanoff dynasty and the establishment of the Union of Soviet Republics based upon a thoroughgoing communism. It reflected the reaction against generations of oppression by the ruling classes and grasped the opportunity of a military defeat of these classes to seize the reins of power and install a government resting on the proletariat but heading up in the dictator Lenin. At the outset this movement had a distinctly evangelistic aim and sought by force, or intrigue, or suasion, to make communism the universal form of government by destroying all other forms and especially all democracies. It early followed the pattern of the other dictatorships by opening an aggressive war on a neighbor, Finland, under the familiar guise of protecting itself from intended attack.

THE FORCES THAT MOLD MEN'S LIVES

Hitler, having betrayed Lenin's successor, Stalin, by unannounced violation of his Treaty of Peace and Collaboration and by a devastating military attack, drove Russia into the arms of the democracies, but those embraces are both given and received with some embarrassment, for both parties to the compact have within very recent times characterized one another in unflattering terms not easily forgotten. Meantime the superb courage and heroism manifested by the Russians in their struggle against the Nazis have elicited the unqualified admiration and gratitude of all the Allied nations.

The other nations party to the war have, without exception, been driven into the contest in sheer self-defense—and we of the United States not simply to defend and preserve the independence of our land, but also to maintain and perpetuate our republican form of government, too often identified with pure democracy, which of course politically speaking it is not. It is democratic in being a government of the people by the people and for the people, but in form it is a government by elected representatives.

For us and our times the ideology of democracy has taken on a somewhat sacrosanct character—and this forsooth because its enemies have abused it so roundly. While some of the small Greek city states practiced democracy at an early period prior to the Christian Era, and for such small communities it was extolled by Aristotle himself, the world in general has had no interest in it and until about two hundred years ago it was never practiced on any appreciable scale. Then, beginning perhaps in the early eighteenth century under the influence of political liberalism, its star as a form of government began to rise, and until the First World War it was coming to be regarded as the natural and permanent form for the government of enlightened people. Then came the debacle and ever since, far and wide, the shortcomings of the democratic order have been advertised. Even its most devoted advocates have at times voiced misgivings as to whether, under the conditions of a complex

RETURN TO FREEDOM

industrial civilization, the system could endure, and much more, whether in a great war it could possibly survive

In any event, one has to recognize that in the past its most striking successes have been scored in small countries where communication was easy and where men could have personal knowledge of one another. Similarly, it has registered measurable success in pioneer regions where nature offered abundant opportunity for the occupancy of new land and for the launching of new ventures. Our generation is engaged in a struggle to the death to preserve the existence of our democratic way of life. But unless it be purged of many of its evils as we have known it, our descendants may well question whether it was worth what it cost. Certainly it can only survive if it be true to its basic conception of government by the consent of the governed honestly and fully determined, and if its citizens possess sufficient generosity and good will—and hard common sense—to see to it that no individual or groups are discriminated against unfairly.

Meantime, we must never forget one cardinal distinction between democracies and all forms of totalitarian government. It is far and away the most important contrast between them. In a democracy the state exists merely to serve the individual and possesses only such sovereignty as the citizens as a whole assign to it for their protection—internally against disorderly individuals and groups, externally against the possible hostile attacks of other nations. For the totalitarian the state is supreme and the individual exists merely to further its purposes, and against it he has no rights. It may claim his property or his life arbitrarily and at will. That the state so conceived is actually embodied in the person of one man has thus far in this generation not seriously troubled the supporters of these dictatorial regimes, but in several of these states grave discontent is showing its head, and in the past similar governments have always gone down before the revolt of citizens finally weary of uninterrupted exploitation and abuse, which has in effect too often been undisguised slavery.

THE FORCES THAT MOLD MEN'S LIVES

Now, let us retrace our steps and pick up some of the loose ends. We find over the years that men have had their lives deeply influenced and often largely controlled by the forces of nature expressed in climate and geographical location. This has been particularly true of the earlier generations of humanity. Men have always lived within the framework of a social order whose structure has offered them opportunity, afforded them incentives and rewards, and hedged them about with certain restrictions as a condition of enjoying the privileges of the institutions and practices which the society had developed. Within this pattern men have responded to the universal human motives springing from hunger, thirst, sex, love and fear, indignation and anger, avarice, vanity, ambition, envy, jealousy, grief, hope and despair—the list is far too long to be recited, but its components are familiar. Some of them lie close to the brute level of needs and satisfactions, others reach up into the higher intellectual, artistic, moral, and spiritual sphere, and in the nobler societies these latter sources of motivation prevail and issue in a truly human order with truth, beauty, justice, and mercy everywhere honored and protected. Within such limits the life of man has always been passed, occasionally in contentment and peace, more often amid discomforts, fears, and pressing wants, and not infrequently under conditions of war. But until this generation even war has been limited both in space and time. Now we are immersed in a truly global conflict, and how long it may last no one can say and we hardly dare attempt to predict. What has let loose these malign forces and why are they so widespread and so horrible?

Surely, in part, because they reflect strains that have been growing in intensity for many years until they had become intolerable. Let a once prosperous country be subjected for years on end to humiliating restrictions, let it be incessantly told that it is the victim of injustice by hostile neighbors and of dishonest exploitation by favored groups inside its boundaries, let it live under the growing dread of financial eco-

RETURN TO FREEDOM

conomic collapse, and it becomes an easy victim of the agitator who promises restoration of national self-respect, protection against its enemies, and the creation of plenty for all.

This is a familiar picture in history. It has occurred to conquered nations again and again, and repeatedly there have been uprisings to throw off the yoke and defy the conqueror, while the motives which lead to the explosion are all common to everyday humanity. There is nothing strange about this. Their sole peculiarity attaches to the violence with which they are expressed owing to their long and painful suppression. But there are certain circumstances marking this present war which have not been characteristic of those that have gone before.

In the first place the extraordinary development of the airplane as an engine of attack has led, as did the misuse of the submarine in the last war, to a practical cancellation of the supposed immunity of the noncombatant. A bomb dropped from ten thousand feet with the purpose of hitting a factory may in fact hit a hospital and kill everyone in it—men, women and children. Similarly, a torpedo from a submarine may strike an unarmed merchant vessel, destroying every soul on board, many of whom may be nationals of some neutral country. Such occurrences lend a grim meaning to the term *total war*, for in such a war literally no one, whether neutral or national, is immune to injury. Moreover, such is the range of the modern plane that no country is safe against air attack merely because of its remoteness. Some of our isolationists were earlier wont to dwell on the alleged impossibility of either air or naval attack on our territory because of the great distances which separated us from our potential enemies. Since that time our commerce has been repeatedly raided within our territorial waters by submarines, and hostile airplanes have more than once ventured over our territories.

To this type of warfare, which the Germans began and the other Axis powers speedily adopted, all combatant nations have been driven in self-defense. It is ghastly but essen-

THE FORCES THAT MOLD MEN'S LIVES

tially inevitable so long as the weapons which invited it are not outlawed.

Again, we have had in this war the appearance of a race ideology such as has never before been a part of war policies. The Nazi doctrine of the superiority of the Aryan stock, whatever that may be, and the conclusion drawn from it that all other races must be subjugated and treated as inferior—in fact, as slaves—is something new and so preposterous as to be impossible for any but a rather humorless folk to swallow. The obvious non-Aryan Japanese allies are causing the Nazis some embarrassment. If they repeat their teachings, the Japanese cannot fail to take offense, although it is reported that some effort has been made to invent a dark-skinned Oriental Aryan to meet the Nazi needs.

The Axis powers have also committed themselves to the destruction of the democracies as degenerate types of government, unfit to survive. The outcome of the war will have some bearing on that contention.

The Japanese who have long cherished a vain conviction of their own superiority, and who have equally cherished a profound hatred for the white man, have rarely permitted themselves to go to the ridiculous extremes of the racial doctrine of the Germans, who happen unfortunately to be white and are their brothers in arms. But their ruthless brutality in the treatment of prisoners, their mass violation of women, and their murder of civilians of all ages in occupied countries have shown them to be worthy partners of the Nazis, whose achievements in these respects defy all description. Surely no previous war ever left such deep resolution to avenge all such horrors as this one has done. All war is horrible, but an all-out war is altogether unspeakable.

When we put all these considerations together they seem to add up to something like this.

1. A group of nations suffering from inferiority complexes, arising partly from humiliating military reverses and the ensuing economic complications, partly from inability to sustain their national economy without expansion of their

RETURN TO FREEDOM

population into other territories and of their markets into regions which were not disposed to deal with them.

2. Under pressure from inflammatory leaders they enter on a career of military occupancy of neighboring territories, chiefly at the expense of peoples they regard as their inferiors and at some points under pretense of protecting their nationals

3. They begin the most brutal assaults upon civilian populations, and employing the airplane and the submarine with no limitations of any kind, they launch an all-out war in which not only is every citizen compelled to become a promoter of the war effort, but in which also every person in an occupied country, whether in uniform or not, is likely to be killed, and in which no neutral is safe provided a combatant finds it advantageous to attack him

4. International law as previously known is dead and no promise has validity if the state sees fit to break it, for the state is supreme and can do no harm inasmuch as what it does is *ipso facto* right. The superior race rules by virtue of its fitness, and all other races are of right its slaves. Democratic government is government by the least fit and must therefore be destroyed.

Men holding these views are the foes against whom we battle, foes equipped with all the resources of modern technology, having behind them many years of preparation for this war, with ruin staring them in the face if they do not win, consequently with the fury of despair and fanatic devotion in their hearts. Such an enemy can only be conquered by destruction. It is a grim prospect, but the safety, nay the very existence, of our own country is at stake and we have no choice but to fight or make an ignominious surrender of all that our forefathers lived and died to give us

Clearly the same forces that mold men's lives in times of peace are those which operate in time of war, but the appeal to intelligence and justice which appreciably determines the course of civilization in peaceful days is replaced by the appeal to force in war, and, unhappily too often, to force

THE FORCES THAT MOLD MEN'S LIVES

provoked by avarice, hate, and fear, with cruelty and brutality as its tools. Now that as a nation we are driven to resist force with force, we shall be constantly tempted to meet cruelty with cruelty, the bestial with the more bestial. May God preserve us from going down into that pit.

Of all the forces which come out of tribal and national organizations set up by men, war is the most imperious, violent, grim, and disruptive. It has no regard for individual preference. When it steps in and takes over, life itself is forfeit to its needs. You young men who are here this evening may already have felt its long hand stretched out to bring you within its grasp, and if not, this will shortly occur. For whatever time the conflict lasts your comings and goings will be ordered by your military superiors, and save as you may act on your own volition in such ways as your commanders desire, you will have little or no choice of what you do or where you go.

In all these instances which we have remarked of forces that play decisively on the lives of men, there has perhaps been an overemphasis on those which appear to come from without; or, if they come from within, seemingly do so as the result of more or less instinctive modes of behavior. Fortunately there reside in men's natures reservoirs of flaming spirit from which issue in times of stress deeds of valor and heroism, and power to resist the poisonous voice of cowardice and treason to one's faith. This it is which produces that unconquerable spirit which has brought victory, often long deferred, to every great cause that free men hold dear.

Francis B Sayre

THE reader of this essay, delivered as an address in November, 1942, would never gather from it that the author had recently been subjected to adventures so grueling and so fantastic as to make the career of Terry among the Pirates seem tame. Francis Sayre was U S High Commissioner to the Philippines at the time the Japanese overran the islands. The story of the transfer to Corregidor, the weeks of bombardment, and the perilous escape by submarine this is nowhere hinted at. But it is in fact the backdrop to the occasion, and those who sat in Foundation Study at tea that November afternoon were told the story and might literally have been hearing Othello's own account.

Of moving accidents by flood and field,
Of hair-breadth scapes i' the immanent deadly breach

The career of Francis Sayre convincingly refutes the shop-worn definition of a diplomat as a man sent abroad to lie for his country. For a quarter of a century he has held offices as public servant that demand unquestioned integrity and skill, and the record itself reveals how he has performed his tasks with modest distinction.

It is not uncommon for men in public life to give lip service to their concern about the welfare of mankind. But the convictions expressed in this address come from one whose humanitarian interests have been tempered and sharpened by many years' experience as a professor of law, and as State Commissioner of Correction in Massachusetts.

The problem here discussed is how to secure an enduring peace. "To achieve enduring peace," Mr Sayre concludes,

FRANCIS B. SAYRE

"we must build upon these four fundamentals—collective security through organized international co-operation, recognition of the supreme value of human personalities and of human rights, economic freedom with equality of trading opportunity for all nations, and an international control and supervision of armament building"

· A lifelong experience in statecraft and in public affairs gives force to such ideas, and they are very fully amplified in this essay.

T. H. J.

THE PROBLEM OF STATESMANSHIP TODAY

by Francis B. Sayre

SO QUIETLY and unobtrusively does time steal away the years that it is difficult for me to realize that I am no longer a Lawrenceville boy living in the Upper House and wondering what kind of a fist I shall make of it when I become a grownup and have to emerge from the dreamland of youth. My feelings, believe me, are no different from your own, but you can't believe that You cannot believe it any more than could I, when as a Lawrenceville boy I used to sit at the feet of old, queer-looking men and hear them discourse about grown-up life, which seemed to me very dull and prosaic.

Now the tables are turned, and I wish I could make you see how wrong I was—how much more bubbling and sparkling than youth grown-up life may be if one chooses to make it so I should like to paint for you a roseate picture of the life of a statesman and open up to you intriguing and exciting vistas which some of you, to the delight of your souls, would one day explore And yet, in times like these the painting of rosy pictures surely is out of place I want above all else to be honest with you, and the part of honesty in these tremendous days, when you may be called to lay down your lives for your country, is to tell you as simply as I can some of the stark facts which, it seems to me, America and indeed all humanity are up against, and leave it to you to fill in the romance and the shining glory that come from doing battle at such a time for the great cause upon which America is embarked

Nineteen fourteen marked the end of an era. For a hundred years the world as a whole had been at peace. Geographical frontiers had been steadily pushed back, yielding

THE PROBLEM OF STATESMANSHIP TODAY

unprecedented natural resources and material wealth—fertile fields and forests and mines. Scientific and technological frontiers had been pushed back following the invention of the steam engine, the telegraph, the ocean cable, the telephone, the typewriter, the gas engine, the radio. The world had been devoting the major part of its energies to the development of material resources and the building up of vast accumulations of wealth—constructing great railroads and waterways, launching ocean steamships, building industrial empires surpassing anything of which Aladdin had ever dreamed. By the end of the nineteenth century, as a result of inventive genius, tireless effort, and the blessings of peace, a veritable new world had been created.

Little wonder that amid such Herculean labors we became engrossed and absorbed in the building of an unsurpassed material civilization. In America the memory of the passionate struggles and sacrifices of our ancestors for human freedom and democracy was dimmed. Deep down underneath, Americans still retained an unshakable faith in fundamental human rights. But groups came into power concentrating all their energies upon the development of America's matchless natural resources, and the things of the spirit were often crowded out or forgotten.

The mills of the gods grind slowly, but materialism and selfishness in the end bear their inevitable fruit. America emerged in 1914 wealthy and powerful beyond her dreams, but confronted with three haunting problems—one in the field of industry, another in that of economics, and a third in the realm of international politics—which if unsolved threatened to bring our civilization crashing about our heads. Because these problems are still unsolved, because your generation and all forward-looking men must help to meet and solve them, each is worth a few moments' brief consideration this evening.

The industrial problem came as the very natural result of our intensive drive to accumulate material wealth. Human values were eclipsed by material ones, labor was treated

RETURN TO FREEDOM

as a commodity, and wages in many cases driven down by the operation of relentless economic competition below the poverty level so that a substantial portion of workers, even in times of national plenty, were receiving less than sufficient for the basic necessities of life. Capital was invested in whatever enterprise would yield to the investor the highest monetary returns, quite regardless of public or social considerations or human needs. The result was permanent mass unemployment,—what has been called “the most hideous of our social evils” There followed growing unrest, social maladjustment, ominous fissures and cracks in the industrial foundations of the West.

In these developments America did not stand alone. England, France, Germany, and other industrial nations were following the same pathway and facing the same darkening horizon.

In the economic field an equally grave problem developed. Unless a manufacturer can secure the raw materials he needs and can get his goods to market, he must close his factories. Obviously, growing industrialization in every nation demanded freer access to foreign sources of supplies and to overseas markets—in a word, fewer barriers to international trade. Yet the trend of international trade practices was in precisely the opposite direction. Tariffs and other trade barriers were pushed up instead of down under the relentless pressure all over the world of blocs of producers intent on gaining higher prices for their own goods by excluding from the country all competing foreign goods. With every nation thus pushing up its trade barriers to ever greater heights, there began to develop an economic nationalism and attempted self-sufficiency which if unchecked threatened to disrupt in time the very foundations of the economic and commercial structure of the world.

In the realm of international politics the unsolved problem of competitive armament building hung, like a sword of Damocles, above our heads. For over a century man's main reliance had been upon guns and battleships and material

THE PROBLEM OF STATESMANSHIP TODAY

power rather than upon international confidence and friendship and the building up of peace machinery. It was thought that peace could be made secure by lining up the nations of the world into two opposing camps, with the material strength of each so nearly equal that neither would dare to attack the other. Thus we headed into the Triple Alliance versus the Triple Entente.

Any system of nicely balanced military alliances is bound to develop sooner or later into a race in competitive armament building. The costs will mount in a continually ascending spiral and will be measured, not by a nation's income, not by what it can afford, but by the expenditures of its neighbors. To such a race there can be no relief—no end—except war.

During the nineteenth century when the British navy held supreme control of the seas and no nation was in a position to dispute her supremacy, the problem lay dormant. But after 1900 the youthful German nation began to feel her new industrial and economic power. She determined to develop a navy in competition with the British and to build her new army to a position of European supremacy. The balance of power theory was in the saddle, the race was on.

The storm broke in 1914 with the crash of the First World War. When the war first swept across Europe, President Woodrow Wilson, farseeing statesman, had tried to guard our own land against the oncoming hurricane; but the forces at work were too cosmic, too world-convulsing, to permit a single nation to isolate itself or escape untouched.

War itself does not solve problems. It multiplies and intensifies them. The First World War, with its tragic expenditures of human flesh and blood, its gigantic cost in material resources, its lingering consequences in the breakdown of human morale, had failed to solve in any way the three deep-lying problems that threatened our civilization. What our victory did achieve was to give statesmanship an unparalleled opportunity at the conclusion of the war to work out

RETURN TO FREEDOM

and apply solutions upon which a new world and a stable civilization could be built.

Woodrow Wilson, seizing that unique and crucial opportunity and realizing that unless the liberal and democratic forces of the world could be organized so as to make peace secure there could be no continuing human progress, proposed an international organization to keep the peace and to adjust conflicts before they became explosive. He saw that in a twentieth-century shrunken world, in which all nations in fact were inescapably knit together into a common unity, if each nation were left to shape its own independent policies and to go its own way without regard to the direction which other nations were pursuing, and if there were no machinery for the taking of common counsel and concerted action, conflict was inevitable.

Emerging from the war, America found herself in the forefront of a surging army of humanity looking to her as the nation of supreme power to lead the world to salvation. But America, engrossed in her own affairs, had no battle flag ready—no clearcut vision of the goal ahead. We turned our backs upon Woodrow Wilson and upon the great ideals for which he stood. We scrambled back to "normalcy," which meant business as usual, selfishness rampant, and a general unconcern for humanity and the rest of the world.

Such a course of events bore its inevitable fruit. America lost the lead that was hers. The youth whom she had sent to France on a crusade to "make the world safe for democracy" came home to find the ideals for which they had offered their lives apparently in the scrap heap. What else could happen but a tidal wave of disillusionment and cynicism sweeping over the country and leaving in its wake a sense of frustration and utter futility? It poisoned our faith in the goodness of life and in the destiny of America.

Unhappily America's experience was not unique. All over the world the same forces of materialism and cynicism gained ascendancy. Particularly in Central Europe the losses and suffering resulting from the First World War and the pre-

THE PROBLEM OF STATESMANSHIP TODAY

vailing sense of disillusionment and frustration led to widespread demoralization. Capitalizing upon this tragic situation, the Nazi group emerged in Germany, the culmination and embodiment of stark materialism, ready to sell their very souls if they could thereby gain material power. Scorning the principles and teachings of Christianity and in utter contempt for the spiritual values and moral foundations upon which alone civilized life can be built, they called upon all Germans who believed in sheer brute force as the source of greatest power on earth to join with them in fighting their way to a position of mastery over Europe.

During the ensuing years we failed to meet and solve the three underlying problems which kept tormenting us. Up until the outbreak of the present war, in the industrial field the problem of the living wage and of long-term mass unemployment, "the most hideous of our social evils," still stared us in the face. In the economic field monopolies, privileges and discriminations, bitter international trade practices and struggles to the death to capture foreign markets have been growing more intense, more deadly, with every passing year. In the field of international politics in the one constructive and brave attempt to set up an organization to adjust conflicts between peoples by co-operative methods, America, the nation of greatest power, was unprepared to take part. Efforts have been made by our government and by other governments—in many cases constructive and valiant efforts—to meet and overcome these problems. Some progress has been made. Yet, throughout the world as a whole the problems still remain unsolved. Statesmanship today faces a crucial challenge. Can mankind rise to meet these menacing problems and solve them in ways that make for human advance? Upon the answer perhaps your generation is more vitally concerned than any other. Your future destiny, your very lives, are at stake.

Do not misunderstand me. I do not mean that statesmanship alone can build a new world. ~~Redemption depends upon something far more profound than outward forms and rituals.~~

RETURN TO FREEDOM

law or paper programs All that statesmanship can do is to point the way The actual achievement of a new world depends, in the last analysis, upon the profound convictions and hearts' desires and efforts of the great rank and file of common people throughout the country—on the farms and in the factories and in the market places.

Nevertheless, the pointing of the way, the imparting of the vision to the people, is of incalculable importance Upon the statesmanship of the next decade or two may well depend the winning or the wrecking of our civilization. Here is the flaming challenge to statesmanship today. Here is where your generation, by making new and fresh contributions, can play a vital and a thrilling part. The necessities of day-to-day life more and more imperiously require some program of action for meeting these problems The Axis powers claim to have found the solution in the new order of the Nazis. The United Nations seek the solution in quite the opposite direction. What are these two conflicting programs and how shall they be evaluated?

The Axis program is one based upon utter and ruthless material force "World order was not established by God," declared German Propaganda Minister Goebbels on August 19, 1942. "It can be changed at any time. It is a question of might, not of morals."

The Nazi program rests upon the exaltation of material over all spiritual values. In the field of industry the problem of unemployment is met, and for the time being solved, by putting everyone to work on war preparation and the production of armament The problem of economic throat cutting is solved by the dictatorship of the state which itself assumes entire and undisputed monopolistic control, and the need for foreign markets is met by a drive for national self-sufficiency. The problem of international conflict is solved after the pattern of the Pax Romana There can be no conflict of nations when the Pax Germanica rules over all. Hitler claims to have found a program calculated to meet successfully the problems of Western civilization. The un-

THE PROBLEM OF STATESMANSHIP TODAY

paralleled successes thus far attained by the Nazi new order in Europe afford revealing evidence of the desire on the part of hundreds of thousands of sincere but disillusioned people to overturn the old order as intolerable and to set up Nazism in its place as a constructive program of salvation. Can they be right?

The German program is one of conquest by unrestrained brute force with all that that involves. But it is too all-embracing, too vast, to be achieved by arms alone. It goes far beyond mere military conquest. Unlike the German objectives in the First World War, it aims for world revolution. The Nazis are today driving to overturn the very fundamentals of our economic and social and spiritual life quite as much as our political life

To achieve their world-shaking program, involving a thoroughgoing economic realignment of the earth, Hitler has set Nazi statesmanship a major task first in Germany and then intensively in every country upon which Germany lays her withering touch. Beginning in Germany itself, the Nazi party has already gone far. In the field of industry, after the arrest of trade union leaders, the dissolution of all trade unions, and the confiscation of all trade union property, the state fixes the hours of labor and wages and dictates all working conditions. Workers become almost literally the living property of the state. They cease to be free men.

In the agricultural field, every farmer is by law chained to the land which he cultivates. The first-born male in every rural family is forced to cultivate the land, which he can never sell or even will away. The state progressively assumes absolute and unrestrained power over the entire field of agriculture, fixing prices, determining what crops must be planted, fixing even the rates of interest payable on mortgages, compelling deliveries of grain produced beyond the farmer's own needs, and leaving nothing to the initiative or desire of the farmer. Each farmer receives his orders as if he were a private in the army.

Thus is gradually built up an economic totalitarian organ-

RETURN TO FREEDOM

ization of unprecedented scope and power. The worker ceases to be a free agent; he becomes a cog in a ruthless machine. With his freedom he loses his hope and his humanity. Suppressed by the state at every turn, he becomes a clod, sodden, brutalized, broken.

Such is the Nazi program at home. In foreign countries conquered or held by Nazi armies a similar program of cruelty and repression is followed, but with far more intensity. Workers, stripped of every human right, are forced under pain of torture or death to produce as they are ordered and for wages fixed by the Nazi state. Laborers are moved en masse from country to country, cities are plundered, crops removed, warehouses systematically emptied.

You see what the Nazi plan all adds up to. In the last analysis it is nothing more nor less than a scheme, worked out on the grandest scale the world has ever known, of barefaced theft and plunder. The state first confiscates under legal forms property belonging to its own citizens. Progressively it confiscates their labor and forces under strict control their activities and their occupations, paying less and less attention to legal forms.

Sooner or later the Nazi program necessitates throwing overboard every consideration of morality or humanity, for with these it is in violent conflict. Yet civilized life cannot be carried on without these. The most precious values of our daily lives are built upon respect for the person and property of others, the sanctity of promises and of treaties, justice according to law. For over two thousand years mankind has been slowly evolving these foundation stones for civilized life. The Nazi program, which would eliminate them, is essentially a throwback and a reversion to primitive savagery. Hence, no matter how extensively Hitler's new order may be advertised as a forward-looking solution of twentieth-century problems, no matter what material power may be amassed to try to force the program through, it is doomed to failure from the very outset, because humanity will not and never can tolerate such enslavement or primitive savagery as the

THE PROBLEM OF STATESMANSHIP TODAY

program involves. Judged by the experience of history, the Nazi program, whatever its initial sweeping success may be, in the long run never can prove a really practicable program for meeting the underlying problems of our civilization.

Have the United Nations any more practicable program to offer? This is the profound and crucial test of statesmanship which confronts us today, and in the answer to this question every man, and particularly every boy with his face turned to the future, has a vital stake.

It is clear that the baffling problems of our civilization today hinge upon the underlying central problem of how to build sound foundations for peace. In fact, this is merely a different angle of approach to the same basic problem. Continuing human progress depends upon finding some practicable means for cutting the vicious circle of recurring world wars. If, as I feel confident we will, we can find a way to organize peace so as to make it secure, we shall by that very process go far along the way toward the solution of our other basic difficulties. The problem of international security will be squarely met. The problem of the strangulation of international trade will be directly faced and countered. And toward the successful solution of the problem of industrial maladjustment, we shall have already made considerable headway and prepared the ground for further advance.

The supreme issue of our day, therefore, is how to build a peace at the end of the present war which in the cold light of past experience is likely to prove enduring.

With the answer to this question youth is supremely concerned. The past is strewn with failures. The future belongs to you. You want, you must have, utter reality, for except as you build upon this, your efforts cannot prove permanently availing. What are the fundamentals upon which a stable peace must be built?

If I read history aright, such a peace must be built upon at least four underlying principles—first, international co-operation; second, a recognition of the supreme value of human personality and of human rights, third, economic freedom;

RETURN TO FREEDOM

and fourth, international control and supervision of armament building.

In the first place, no peace today can possibly be lasting unless it is built upon increasingly close international co-operation. The political, economic, and social policies of every nation today have their strong effects and dynamic repercussions upon every other nation. An unconscionable tariff wall or an unfair discrimination may, perhaps on the other side of the world, cut off a whole nation from its accustomed overseas markets and bring its people lengthening bread lines and industrial revolution. The adoption by one people of a new economic or social philosophy may result in thunder and lightning on another continent.

America is now compelled quite against her will to turn aside from the pursuits of peace, to undergo the convulsion and tragedy of war, to send her men and ships and planes across the seven seas—because of what happened in the past ten years in Manchuria, in Ethiopia, in Munich, in Austria, in Czechoslovakia, in Poland, in Norway, in China, in Indo-China, and elsewhere in Europe and Asia. Was there ever a more terrible object lesson set before our eyes of the utter incongruity of the thesis of national isolationism with the realities of modern life?

America, under present conditions, even if she wanted to, cannot live selfishly apart from the rest of the world. No nation in the twentieth century can possibly live unto itself alone.

No peace can be lasting unless it is built upon these inescapable realities. The political, economic, and commercial problems which convulse the modern world and which generate international frictions and breed poisons have come to transcend national and even continental boundaries. No nation single-handed can solve them. For instance, no nation can afford to disarm, no matter how peace-loving its people may be, as long as no organized international force exists to prevent individual freebooters from attacking it. No blockade can be made effective unless all concerned participate.

THE PROBLEM OF STATESMANSHIP TODAY

No nation can safely remove its international trade controls unless all move together in a common frontal attack upon all unconscionable trade barriers. The problems which make for war are world-wide in their scope and can never be solved except by concerted thought and organized joint action on the part of the world community.

Two practical conclusions follow. If we are to build for lasting peace, we must abandon the nineteenth-century conception that the road to peace lies through a nicely poised balance of power. Again and again cold experience has taught us that no peace dependent upon a balance of power lasts. If we would build upon twentieth-century reality, we must throw the balance of power theory out of the window.

It further follows that the only way under present-day realities to make peace secure is to set up an international organization for the keeping of the peace. This does not mean creating overnight a world government with sweeping and general power to invade the domestic affairs of sovereign states. It does mean the delegation to some international organization of certain carefully defined and restricted powers. It means also clothing it with sufficient force to carry out effectively those restricted and limited powers. Presumably these would include among others the power to prevent by concerted action international territorial aggression and thievery, the power to regulate and control heavy armament building in every country of the world, the power to administer and supervise the government of certain backward and colonial areas, and the power by concerted action to attack certain discriminatory and antisocial practices in the field of international trade and finance.

In the light of what took place during the last twenty years, I am very sure that Americans will emerge from the revealing experiences of the present war eager to assume their rightful responsibilities and to share in the building of a new world. In this great task youth and all forward-looking people will insist that the issues shall be decided squarely

RETURN TO FREEDOM

upon the realities of life and not upon prejudice or emotion or partisan politics.

A stable peace must be built also upon a second principle—the sacredness of the individual human personality. Civilization goes forward when the fundamental rights and interests of individual human beings are placed first in the scale of values. Peoples do not exist to enable governments to attain a place in the sun. Governments exist to serve peoples. A statesman's peace must be built upon the preservation of individual freedom and security, freedom of conscience, freedom of speech, the right to dispose of the fruits of one's own labor, equality of rights before the law, complete independence of thought, and reasonable independence of action.

No arrangement which denies or cripples these elemental human rights will prove stable and no state which permanently thwarts them can endure. That is why the Nazi thesis of a pan-German master race, enslaving and suppressing the rest of the world, is doomed to failure from the outset. That is why no system of imperialism, if it be built upon the exploitation of human beings, whether white or brown or yellow or black, can be enduring.

Here we touch the very heart of the difficulty of government over alien peoples. The problem of colonial government, which has tormented Europe for over four centuries, never will be solved until we come to realize that the supreme values in the world are human personalities. Every alien rule based upon mass injustice or exploitation contains the seeds of unrest and revolution and makes against international stability and lasting peace. The experience of Great Britain in the Dominions and of the United States in the Philippines throws interesting light on the effects of a contrary policy. It was because for over forty years America did her best for the benefit of the Filipino people themselves to build up education, public sanitation, good roads, and higher standards of living, that when the crisis came in December, 1941, the Filipino people were found fighting shoulder to shoulder with the Americans.

THE PROBLEM OF STATESMANSHIP TODAY

We must seek to eliminate not necessarily all alien rule, but all alien rule based upon exploitation. The government of alien peoples carries with it distinct responsibilities as well as rights. Primary among these is the obligation to prepare, educate, and strengthen the dependent people to stand alone.

A third fundamental upon which lasting peace must be built is economic freedom. The resources of the earth are amply sufficient for the needs of all peoples. But if the strong and powerful set up political barriers or artificial trade arrangements which effectively cut nations off from the goods and raw materials needed for their factories and from the foreign markets necessary for the sale of their products, obviously men will be robbed of their livelihood and nations will be forced, even against their will, into economic struggle and warfare.

A stable peace cannot be built upon an economic order which foment's struggle and unrest.

Our experience of the 1930's has made certain facts indisputably clear. We have learned that no industrial nation today can possibly carry on without a very large volume of exports and imports. Hitler did his best to achieve German self-sufficiency, but he failed dismally and was finally forced to cry out, "Germany must export or die."

Industrial nations must trade to survive. The manufacturer who loses his foreign markets cannot continue to pay his factory hands. Accumulating trade barriers spell mounting unemployment and increasing hunger and deepening international hostility. National standards of living depend inescapably upon the flow of trade. Whatever impedes trade cuts down standards of living. One of the basic foundations for the coming peace must be the enjoyment by all states, great and small, victor and vanquished, of access on equal terms to the trade and to the raw materials of the world which are needed for their economic prosperity.

Finally, a stable peace depends upon our finding some way to effectuate an international control of armaments. In

RETURN TO FREEDOM

fact, this is but a phase, albeit one of outstanding importance, of the problem of collective security

In the days before airplanes and tanks, when a nation could withstand attack long enough to manufacture weapons adequate for its defense, international control of armament building may not have been necessary. But today, with military defense strategy revolutionized by the development of airplanes and armored divisions, the whole picture has changed. We live in a machine age. War is waged with mechanized devices—tanks and flying fortresses and intricately planned battleships—which take months or years to build and cost a king's ransom. A heavily armed aggressor nation may hold all nations not so armed at her mercy, for the aggressor can by air attack demolish the producing factories in other nations long before the necessary defense armament can be produced. It is only due to the gallantry and heroic fighting of Great Britain, Russia, and China, and the other United Nations which resisted the Axis advance that our own country has been afforded the precious months necessary for the preparation of our defense.

In other words, modern weapons have so basically changed the entire problem of military defense that today no nation can build up an arsenal of heavy armament without vitally threatening the security of every other nation. Armament building has become in the world of fact a matter of the most profound international concern. By the same token, armament building must henceforth become subject to international supervision and control. Had this been the case during the last ten years, Germany and Japan would never have gone to war. The achievement of international control raises exceedingly complex problems. But these are not insoluble. We must and we will find the way to solve them.

As a matter of fact, probably the time has never been so propitious as at the conclusion of the present war for the setting up of an international limitation and control of armaments. In all probability the vast armament of Germany, Japan, and Italy will then be smashed. Militarism in those

THE PROBLEM OF STATESMANSHIP TODAY

countries will be discredited. The victorious armaments of the world will then be in the hands of lovers of peace and democracy. If we are in earnest about building the future peace upon secure foundations, the victorious nations will then have the chance, as nations have never had before, to set up an international body to take over armament building plants in the enemy countries, to exercise effective control over them, and to limit future armament production in all countries to a fixed schedule. This means, eventually, international inspection and control over the armament plants of the victorious as well as of the vanquished nations. It also means an international police force if such control is to be made effective.

To achieve enduring peace, we must build upon these four fundamentals—collective security through organized international co-operation, recognition of the supreme value of human personalities and of human rights, economic freedom with equality of trading opportunity for all nations, and an international control and supervision of armament building. Upon these foundations we can build a peace that will put new heart into mankind. Men and women are weary of war—weary of injustice and group selfishness and the suffering that selfishness always brings. Peoples all over the world are eager to go forward.

Today we stand poised at the fork of the road. A new world opens up if we will have it so. If we have the courage to fight for it and the wit to build for it on foundations that are sound and true and Christian, we may enter upon one of the shining and constructive eras of human history.

Your generation faces the opportunity of the centuries. You can play a part—perhaps a very leading part—in determining what road humanity shall travel in the difficult years ahead. You have the chance to write one of the very great chapters in human history. Under God's guidance, dare to launch out into the deep and go forward, with courage and with wisdom and with faith.

Zechariah Chafee, Jr.

A LARGE number of the readers of this essay, it is safe to say, will not be lawyers, and they may initially be somewhat chary of perusing a monograph on the theory and practice of law written by an authority in the field who has practiced it himself and since 1916 has made a distinguished profession of teaching the subject at Harvard Law School. Let their fears be allayed! A large audience of boys listened with steady attention when this was first delivered as an address in the winter of 1942-43. They needed no special training to follow the cogent exposition. They needed no knowledge of legal jargon, because none is present in the discourse.

Zechariah Chafee remarks in opening that it is not his purpose to persuade anybody to study law. He is a man of integrity and we take him at his word. But it is clear that a study of law and legal procedure to him is more than a profession: it is an exciting, fundamental process in the art of civilization, one therefore which in principle should be understood by all who strive to live as good neighbors under codes which express the wishes of the community. He cannot hide his own enthusiasm for the subject, nor does he try to, and one is inclined to believe that if any listener felt a rudimentary bent toward the law as a profession, this address would confirm him in his intention.

"A final criticism of the rules of law," remarks the author on page 77, "is that they are technical and laymen cannot understand them." Then follows a close analogy between the rules of law and the rules of sport. It is so deft and striking that the reader may not be aware of its actual originality. It brings the philosophy of law down to earth and relates it

ZECHARIAH CHAFEE, JR.

clearly to the daily interassociations which men almost unconsciously take for granted. The final section, which summarizes the place of law in community life and analyzes the weak spots in the legal machinery, might well stand by itself as an embodiment of ripe wisdom based on an understanding of the American character.

This clear survey, compassed within the limits of its brief presentation, is an example of the finest kind of legal mind at work. Fellow students of the law will recognize its skill. But the author is first of all addressing laymen—the youth who will determine the quality of civilization in another generation. They too will find it good.

T. H. J.

LAW, LAWYERS, AND THE PUBLIC

by Zechariah Chafee, Jr.

MY PURPOSE is not to persuade anybody to study law, but to tell something of the part which law plays in American civilization. I have long regretted that the subject is left so inaccessible to thoughtful citizens. Good books and articles about law for laymen are scarce. It is much easier for them to learn about medicine, for example, or engineering. Criminal law and constitutional law are an exception—one hears much about them in conversation and reads much in the press. Despite their importance, I shall leave them out, because they have been abundantly and well discussed by others. I want to deal with what is less known—the adjustment of private affairs between individuals or business corporations.

What is law? There are several ways to describe it. A good deal of confusion among us lawyers and law teachers has been caused by the insistence of some able writers that their way is the only sensible definition. The truth is that any single definition falls far short of telling the whole story. I shall content myself with two ways, though there are still others, and try to picture law, first as a body of rules, and then as a human process.

I. LAW AS A BODY OF RULES

Let us begin by thinking of law as a body of rules for the better ordering of society. Obviously, we need to say more than this. There are excellent rules which nobody would consider a part of law. A man must not wear shorts to a dance or eat peas with his knife. Why are these rules not law? It is no answer to say that the violation of legal rules is followed by penalties. We all know that the man who wears

LAW, LAWYERS, AND THE PUBLIC

shorts to a dance and eats peas with his knife is likely to be excluded from polite society, which may be harder upon him than a few days in jail. One clear distinction is that the government has no concern with his manners, but will endeavor to punish him if he drives a car recklessly, and lend the aid of its courts to make him pay damages to the pedestrian he hits. Consequently, law is sometimes defined as a body of rules enforced by the state. Even this definition is not satisfactory for all times and places. Voyagers to remote islands of the South Seas have found people living peacefully without any chiefs or other visible government and faithfully obeying age-old rules without knowing of any penalties for violating them. I have come to the conclusion that it is next to impossible to frame a definition of law which will include both such a primitive civilization and our own. International law, too, is not enforced by any power superior to the two nations who are disputing with each other. Fortunately, we can evade these difficulties by concentrating on the place of law in American society today. Here at least it seems plain that the government does have something to do with every rule which we call law.

Another element commonly stressed in the definition of law is coercion or force. It is natural to think of a legal rule as amounting to nothing except for the penalty attached to it. No doubt there are some persons in our midst who would break legal rules constantly if they did not fear paying damages or going to jail or sitting in the electric chair. Yet, probably most citizens during most of their lives obey the rules of law because they realize that such a general obedience will produce the best results for themselves and everybody else. For me law is personified, not by the executioner, but by the traffic policeman standing at the intersection of two congested streets. Why do motorists stop when the traffic policeman holds up his hand? It is a very small part of the truth to say that they fear he will arrest them if they drive on. This might happen if a single motorist disobeyed, but suppose that ten or twenty of them chose to disregard his signal. He

would be helpless. While he was trying to arrest one, the others would be out of sight. We stop when he holds up his hand because our common sense tells us that if we do not, we may suffer an accident from colliding with the other line of traffic and, in any event, the traffic conditions in our community will be infinitely worse without general compliance with his signals. My point becomes even more striking when the traffic policeman is replaced by red and green lights, and there is no government official within a mile of the intersection. We still obey the law because we know that our obedience will further the smooth running of society.

Sources of Law

For the time being let us define law as a body of rules which the government stands behind, though sometimes a long way back. Where do we find these rules? Leaving aside constitutions, we have four main sources of law.

First, statutes enacted by the legislature are the best-known kind of law. Many people probably think of them as practically the only kind. Yet in the past, at any rate, statutes were far from being the most important source of law. And even today, if you will look at a statute book you will see great masses of rules about the machinery of government, about cities and towns, about taxes and crimes and other relations between the state and its citizens, but surprisingly little about the adjustment of disputes between people like us. Although legislation is rapidly extending its sphere, very many of the rules governing private relations are found in what we lawyers call the common law of England and our states.

Part of the common law was not consciously created by anybody. It was made by the community, like some school and college customs. Custom is responsible for most of the law of a primitive society like the Australian blacks, and it formed much of the old English common law which even William the Conqueror swore to obey. For example, in some regions in England the eldest son inherited all his father's

land, in others the youngest son, in others all the sons equally. Customary law has been less significant in this country, the settlers liked to put in printed statutes the simple rules which were to govern their lives in the wilderness. Yet, probably some of these colonial statutes embodied customs they had in England, just as Welsh tin miners who joined the California gold rush in 1849 brought over their customary law of mines and streams. And the most familiar of all our rules of law was a custom begun in this country. We drive to the right of the road. The English drive to the left. In both countries the rule of the road grew out of the experience of the community and was not created by either legislators or judges.

Some important parts of English and American law came from the customs of merchants, who moved and traded across national boundaries and so had to work out their own rules. The oldest surviving rule of law in the Western world was thus recognized centuries before Christ by the mariners of Rhodes. Suppose a vessel bound from Alexandria to Rome loaded with silk from the caravan routes and wheat from Egypt. A big storm arises and it is necessary to lighten the vessel. The sailors frantically shovel much of the wheat overboard, but the silk remains safe and dry. Although only the wheat was lost, nevertheless the owner of the silk must contribute his fair share because he has benefited from the measure which had to be taken in the emergency. They were all in the same boat and must bear the burdens equally, regardless of the accident of whose cargo happened to be thrown overboard. This rule of "general average" still prevails on the seas. Much of our law of checks and promissory notes, insurance, the carriage of goods by land or water, comes from these old customs of international merchants.

The Search for Precedents

Today most of the common law has been less shaped by custom than by the decisions of the highest court in each state, which are collected in many volumes called law reports.

RETURN TO FREEDOM

For example, in 1927 the Worcester airport was constructed next to Mr Smith's country estate of 270 acres. Aircraft owned by the airport frequently flew over the estate. Since the airport was not very large, aircraft during take-offs and landings went over the estate as low as one hundred feet, but not near Smith's house. All flights over the house were at least five hundred feet up. As Smith and his family were accustomed to rather luxurious habits of living, the noise irritated them, but the planes did not interfere materially with their physical comfort or make them suffer from fear or fright. Smith sued in 1930 to stop the planes from flying over his land.¹ Commercial airplanes were then novel to the law. No statute governed, or established custom, and there were no judicial precedents in or out of Massachusetts. Yet the judges could not throw up their hands and refuse to decide the case. They had to find somewhere a rule of law governing airplanes. Where should they go?

According to the tradition in which lawyers are trained, the judges searched for analogous situations which had been before courts in the past and which might offer a principle suited to solve the new problem. At once they thought of a maxim by Lord Coke, a great judge and writer in the days of James I, that the ownership of land extends down to the center of the earth and up to the sky. Many earlier cases had applied this principle to enable landowners to object to telephone wires and projecting eaves and cornices high above the surface, or to stop people from shooting over their land. This principle would make every aviator a trespasser, even if he were five miles up. By this view Smith must plainly win.

Yet there was quite a different way to look at the problem. For the first time in history the air has become navigable like the sea. Just as the owner of a shore lot looks out into the Atlantic, so any landowner looks upward into an ocean of air. Neither belongs to him though both are very close to him.

¹Smith v. New England Aircraft Co., 270 Massachusetts Reports, 511 (1930)

LAW, LAWYERS, AND THE PUBLIC

Press the seaboard analogy a little further. The shore owner does have certain rights over the sea in front of his house. He can build a wharf out as far as he pleases, so long as it does not cross harbor lines or otherwise obstruct navigation. Although he cannot object to vessels passing back and forth within his vision, he can maintain an action if their engines are unreasonably noisy or if they carry dynamite so close to shore that a possible explosion will wreck his house and endanger life. Furthermore, he might complain if a neighbor's wharf should project at an angle across his own frontage. Thus, rights in the sea along shore are a compromise between the desirability of navigation and the enjoyment of the near-by landowner. The shore owner is protected by the law from actual harms to him beyond high-water mark, but he must put up with ordinary sea-borne traffic. Then can we not recognize a similar compromise as to the ocean of air? We might say that the landowner does not actually own anything above the surface of vacant land. He can wharf out into the ocean of air by erecting buildings. He can stop permanent encroachments like cornices which may block his own future building upward. He can object to very noisy airplanes or to flights so low as to endanger life and property. Normal aerial navigation is not within his own control—the air is free.

Possibly the analogy should not be pressed quite so far. The space a short way up from the surface—say two hundred feet—is so commonly occupied by buildings, poles, trees, etc., that a true ownership of this lowest layer of the air might be conceded. Then the ocean of air which is free will begin two hundred feet or so above the earth. This is not very different from the way the ocean of water was treated by the Pilgrims and Puritans. They allowed the shore owner to own to low-water mark and forty rods beyond, which is still law in Massachusetts, and in Maine and the parts of Rhode Island which were once Massachusetts, although in most states his property stops at high tide.

To return to the Massachusetts case, the judges thus had

RETURN TO FREEDOM

a choice between competing analogies. They could treat an airplane like a telephone wire or like a ship offshore. Although their reasoning did not altogether follow my oceanic analogy, the result was substantially the same. Smith lost his case but was told to try again if the planes were overnoisy or flew close to his house. Annoyance and danger were made the test of wrongful flying, and not solid geometry.

Once the new rule as to aviation was laid down by the Massachusetts court, it served two important purposes. First, it decided this particular controversy between Smith and the airport. Second, it became the basis on which all Massachusetts judges would thereafter decide other lawsuits between landowners and aviators. Hence, judges act under a great sense of responsibility. Whatever rule they lay down is going to take money from one of the parties before them or interfere seriously with his affairs, and consequently they are eager to declare a rule which will reach a just solution of the actual litigation. At the same time it must be a good general rule, fit to be applied to future similar cases in the state. When the judges declare a rule for the first time, they do not like to say that they are creating law, because their decision usually comes long after the facts occurred. They prefer the view that their rule has been in existence for a long time and thus governed the parties when they did the acts. A great controversy has been waged over the question whether judges make law or merely discover it. There is something to be said on both sides. Although nobody knows for sure what the new rule is until the court which decides this particular case has spoken, still, as we have seen, the judges do not get the new rule fresh out of their own heads. They derive it by an examination and comparison of widely held principles and of older rules which have been laid down by other judges in cases which are thought to bear some analogy to this particular litigation.

Sometimes a judicial rule of law becomes outmoded. Then there are two ways to get rid of it. The judges themselves may junk it by overruling the old decision and laying down

LAW, LAWYERS, AND THE PUBLIC

a new rule Or the legislature may supersede the old common law doctrine by passing a statute.

The Growth of Administrative Law

So far I have spoken of three main sources of our law—statutes, customs, and judicial decisions. A short time after I was born, a fourth kind of law appeared in the United States, which has rapidly grown to enormous proportions. I refer to the regulations and decisions made by administrative officials, boards, and commissions. The Interstate Commerce Commission in 1887 was the first of these bodies and is still one of the most important. The complexities of railroading are such that Congress cannot satisfactorily pass statutes embodying all the detailed regulations which are needed to govern the relations between a shipper and a railroad or between different railroads. Congress is too busy, and it lacks the necessary expert knowledge. Judges are also unfit for the job. They, too, are unskilled in railroad problems. Furthermore, a court lays down one rule at a time and waits to do so until the appropriate case comes before it, and yet the intricacies of railroading require many related rules to be set forth at the same time and if possible in advance of disputes. Finally, when disputes do arise, it may be better to have them decided by men who have studied railroading than by men whose knowledge of it comes from seeing the tracks through a Pullman window. So Congress has delegated its task of regulating interstate commerce to a body of eleven men who devote all their time to the problems of transportation. Congress still lays down the broad principles of law as a sort of framework for the commission, but the detailed rules within the scope of those broad principles are made and applied by these eleven men who are neither legislators nor judges and who are often not lawyers.

As time went by new federal commissions were added, and many have been created since 1933, like the Securities and Exchange Commission and the National Labor Relations Board. The outbreak of war has brought many more. In-

RETURN TO FREEDOM

numerable laws which affect our entire lives—priorities, rationing of gasoline, rubber, fuel oil, canned goods—are made by government officials and not by Congress. Indeed, an able economist, Walton Hamilton, asserts that most of the actual government of the United States is now vested in these commissions and boards, of which there is no hint in the Constitution and which are not very responsive to the will of voters.

A similar evolution has taken place within each state, although not quite so extensively. Thus the statutes of my native state, Rhode Island, empower officials to decide disputes affecting property and human happiness in such important matters as schooling, parole of prisoners and probation; soldiers' relief and mothers' aid, the examination and licensing of physicians, osteopaths, dentists, pharmacists, motorists, optometrists, chiropodists, chiropractors, trained nurses, veterinaries, morticians and beauticians; taxation; the sale of food, drugs, and narcotics; purification of tidal waters, rivers, and lakes; the inspection of milk, motor vehicles, bathing beaches and swimming pools, factories, weights and measures, camping grounds, boilers, barber shops, and beauty parlors; the regulation of insurance and banks, public utilities, intoxicating beverages, corporations, harbors, and horse racing; animal diseases, plant diseases, and labor disputes.

Unfortunately, we lawyers have not adjusted ourselves very well to this new kind of law. There is an immense amount of writing on the subject, mostly by extremists. Advanced New Dealers write as if all government officials were St. Georges pursuing the virulent dragon of business, while conservative lawyers and businessmen condemn all commissions and boards as a horde of needless, expensive, bureaucratic despots. The layman who would like to form an intelligent opinion sits bewildered between two roaring loudspeakers, each connected with a different broadcasting station. Both are right and both are wrong. It is kicking against the pricks to urge the abolition of all administrative boards or to sup-

LAW, LAWYERS, AND THE PUBLIC

port legislation like the Walter-Logan bill vetoed by Mr. Roosevelt which will seriously impair their efficiency. The complexities of our civilization demand a large measure of control by government experts, who possess the power to make detailed rules, inspect factories and stores to see whether these rules are obeyed, and settle disputes within the field of their specialized knowledge. Neither legislatures nor courts can possibly perform such tasks. At the same time, we cannot afford to close our eyes to the shortcomings of the existing administrative machinery. For one thing, the high hopes which were entertained by men like Charles E. Hughes and Woodrow Wilson have been dimmed by the simple fact that there are not enough qualified men to fill all the posts which have been established. And some who are qualified either lack the political influence to get appointed, or find the work too unattractive and underpaid to accept. Furthermore, when the same men act as lawmakers, prosecutors, judges, juries, and executioners, dangers arise which our ancestors keenly realized. The situation recalls the cat and the mouse in *Alice in Wonderland*—

“I’ll be judge, I’ll be jury,”
Said cunning old Fury,
“I’ll try the whole cause,
And condemn you to death.”

We cannot count on impartial decisions from men who are appointed by a president or a governor to carry out his cherished policies, who are told to frame rules embodying those policies, who can be removed by him at an hour’s notice if their methods or their decisions do not fully satisfy him. The great problem of administrative law is not to get rid of it or to hamstring it but to make it better and fairer.

Why Are Judge-Made Laws Necessary?

Now let me return to judge-made rules of law, which are less familiar to the public than the others and hence deserve more discussion. Of late years they have been bitterly at-

RETURN TO FREEDOM

tacked for at least three different reasons. These attacks are serious because they have some truth to them.

First, the whole theory of judge-made rules of law is flatly denied. We are told that all a judge really does is to decide the particular case before him in the way he wants to. In order to conceal the fact that his decision is merely the result of his own prepossessions, he pretends to be applying a general rule. He refers to a number of former cases which actually have no influence upon his decision. He professes to be making law for the future, but when a new case arises, he or his successors will again follow their own inclinations with the same untrammelled freedom. Therefore, one decision has no true relation to another decision, and the law becomes a bewildering chaos, except as it is made by legislatures and commissions. In the absence of statutes or regulations the only actual basis of a decision is the good sense and fairness of the particular judge. Despite our high-sounding old maxims, we live under a government of men and not of laws. Still, it is desirable for the people to be fooled, for then they believe the law is certain and obey decisions.

This theory that judges are a bunch of hypocritical bluffers has gained wide circulation through the witty and best-selling books of Mr. Thurman Arnold, and Stuart Chase's popular *Tyranny of Words* treats the search for specific legal rules as verbal vanity. Yet I cannot so easily throw overboard one of the most deeply rooted human ideals. We remember "the law of the Medes and Persians, which altereth not," and the Great King of Persia was told of the Greeks whom he proposed to conquer "Though free they are not absolutely free, for they have a master over them, the law." Wherever we go and however far back, we find men believing in law as something outside the individuals who administer justice, greater than they, binding them as well as the mass of citizens. Once a man was asked whether he believed in infant baptism and answered "Believe in it? Of course I do. I've seen it done." Time and again I have seen lawyers and practical businessmen shape their conduct in accordance with

LAW, LAWYERS, AND THE PUBLIC

past decisions and even abandon cherished hopes because some case stood squarely in the way. Of course we cannot get outside ourselves to do our thinking, but a judge is as able as the rest of us to get from those ahead of us the materials of our thought. Very likely we can learn something from these witty speculations about what goes on inside a judge's head, but we can learn much more from what judges themselves have told us of their work, like Cardozo's *Nature of the Judicial Process* on the work of an appellate judge and Ulman's *A Judge Takes the Stand* on the tasks of a trial judge.

If in fact a judge felt free to decide as he pleased or to follow some vague guiding principle of good sense and fairness, we should run the risk of appalling tyranny. His good sense and his fairness might differ completely from ours. If law consisted not of numerous rules but of a single principle, there is no telling what that principle might be for a particular judge. It might be something quite different from fairness as we think it. The *reductio ad absurdum* of this theory is the recent statement by the German governor of Poland "Law is all that which serves the German people. Illegality is all that which is harmful to that people."

No doubt many legal problems are close questions with much to be said on both sides. Until a legislature or a court has definitely spoken, the rule remains unsettled. Even after a judge-made rule has been declared, its exact limits may be uncertain for a long time until they are worked out in a series of cases. The cases that get talked about are likely to be close cases. Hence the popular impression that all law is uncertain. Not so. Many rules get solidly established. Every competent lawyer makes his clients follow them. Thus a particular region of the law gets settled, and the frontiers of conflict shift forward to a new area.

A second criticism is that all judge-made rules should be superseded by statutes. The legislature should lay down the entire law clearly, while judges would merely apply the printed rules in the statute book to the facts, like an umpire

RETURN TO FREEDOM

following a baseball rule. I frankly recognize that much of our judge-made law is in a bad state of disorder. It often requires high training and many hours of labor to dig a particular rule out of fifty or more cases. Even a prolonged search sometimes leads to no clear conclusion. After many centuries some questions are unsettled, although one would suppose that they would have arisen a score of times and been disposed of long ago. Probably many branches of the law will be codified by legislatures as time goes on, and this has already happened for such important subjects as commercial instruments like checks and the sale of goods. Yet even if the whole law is reduced to a code as in France and Germany, the task of the judge will still remain much wider than these critics suppose. New situations will arise which are not definitely covered by the old code, and nobody will take the trouble to amend it. Furthermore, statutes with a wide scope are naturally framed in general terms, without listing all the facts which fall inside or outside their provisions. So for one reason or another the best statute has many holes in it, and somebody has to fill the holes. In most cases that person will be the judge. Then we get what is called judicial interpretation of the statute. The judge may say that he is only applying the statute and carrying out the intention of the legislature, but what he is really doing is shaping new law to fill the hole.

An amusing example of this is furnished by an old Act of Congress which granted land at a small price to settlers, a quarter section (160 acres) to "a single man" and twice as much to "a married man." Some public land was settled by a widow. The statute said nothing about widows one way or the other. Was she then outside the generosity of the government, or was she "a single man" or "a married man"? The Land Office refused to give her anything. The Supreme Court sensibly held that she got 160 acres.² The judges said that a widow was "a single man." But what they really did was to fill a hole which Congress had left in the statute. They

²Silver v Ladd, 7 Wallace Reports, 219 (U.S. 1868)

LAW, LAWYERS, AND THE PUBLIC

tied to find the principles on which the statute was framed and then extend those principles to take care of the new situation, just as the invisible mender of the cigarette hole in a coat weaves in some of the old threads

The Rules of Sport and the Rules of Law

A final criticism of the rules of law is that they are technical and laymen cannot understand them. Here again the criticism is not wholly unjust. Lawyers, like doctors, have their own jargon and enjoy using it. They get to love old rules for their fascinating intricacy, like chess problems, forgetful of the consequences of those rules in causing bad delays or otherwise harming society. Still, any rules, unless they are framed in broad terms, are bound to be somewhat unintelligible to the outsider. If the subject matter be complex, the rules cannot be simple. Take the rules with which you are most familiar, those of any common American sport. A newcomer would find some of them obscure and even absurd. In tennis the ball must not touch the net on a serve and can touch the net in later play. If the game be doubles, the serve cannot go into the alley but afterwards it makes no difference. After one learns the basic principles of tennis, these apparent technicalities are seen to have good reasons behind them. They help carry out the underlying purpose of the game. Sometimes it is immaterial which way the rule be framed, so long as it takes one way and sticks to it. If there is a tie at the end of a hockey game, the players go on with an extra period. If there is a tie at the end of a football game, it stops. Such an arbitrary choice may occur in the law. Take the familiar rule of the road once more. They probably get along just as well in England by going to the left as we do by going to the right, but the situation would be very bad if men did not choose one side and stay there.

The rules of sport resemble the rules of law, but the task of the umpire or referee is usually much easier than that of the judge. For the most part, he needs only to find out what happened. Did the pitched ball pass the batter above or

RETURN TO FREEDOM

below his shoulder? Did the ball get to first base before the runner? Did the football advance more than ten yards in four plays? These are jury questions, as we lawyers say.

Once in a while, however, the referee is confronted with a real problem of statutory interpretation. In the Princeton-Dartmouth football game of 1911, Wallace Dewitt, the Princeton fullback, attempted a drop kick from the forty-yard line. The kick as described by Heff Herring³ was straight but low, and the ball bounced at least twice on the field before a third and higher bounce sent it over the bar between the goal posts. Referee Bill Langford turned to the rulebook and read

A *Goal from the Field* is made by kicking the ball from the field of play over the cross-bar of the opponents' goal in any way except by a punt or a kick-off . . . If, after being kicked, it strikes an opponent and then passes over the cross-bar . . . it shall count a goal.

Nothing is said one way or the other about the effect of the ball's hitting the ground. In forty-two seasons of football no such thing had happened before. The referee really had to make his own law on the issue. Langford decided that since there was nothing in the rules against it, the goal must be allowed. Hence, Princeton won the game 3 to 0. And yet the very same afternoon, when the same unprecedented bounce over the cross-bar occurred in the Andover-Exeter game, the referee there decided the other way and denied the goal. So we lawyers often find directly conflicting decisions in two different states. It is pleasing to learn that most Princeton bettors refused to collect from their Dartmouth friends. As often happens in law, the legislature cleared up the uncertainty by amending the statute. Next year, the official football rules contained a new sentence which is still there:

In no case shall it count a goal if the ball, after leaving the kicker's foot, touches the ground before passing over the cross-bar or uprights.

³ D. G. Herring, *Forty Years of Football, 188-189* (1940)

LAW, LAWYERS, AND THE PUBLIC

Also the process by which the rules of sport are made bears some likeness to the development of new rules of law. When I was in school and college the baseball rules contained this provision, which presumably survives with little change.

The batsman is out . . . If before two hands are out, while first and second or first, second and third bases are occupied, he hit a fly ball, other than a line drive, that can be handled by an infielder

Perhaps it was a sign of my budding legal career that this infield fly rule intrigued me by its obscurity. Why should the batsman be out when the ball was neither caught nor thrown to first base? So I imagined a time when the rule did not exist. One day when the bases were full, the batter knocked a high fly just inside third base. What was the runner on third to do? If he dashed forward, the ball might be caught and third base touched before he could get back there. If he stuck on base, the ball might be dropped and picked up, and he would be forced out at home. Even a double or triple play might be easy. At last, I fancied, the experts decided that there must be a new law which would save the baserunners from such a baffling dilemma by sacrificing the batter. Thus a new rule was developed logically from pre-existing rules. A judge can do this on the spot and an umpire cannot, but the mental processes are much the same.

Six Principles of Law

The detailed rules of each game are framed in an effort to be consistent with the main principles of that game. Similarly judges, in framing legal rules, constantly go back to a few fundamental principles. Let me mention six of these principles which probably exist in any mature legal system. Indeed, their origin seems deeper than law. Everybody recognizes them, and if we search our childhood recollections we shall remember how early and intensely we clung to these principles.

RETURN TO FREEDOM

First, a penalty should be evenly applied to persons who are equally to blame. If two boys join in lighting a bonfire in the corridor and both are caught, there will be general resentment should one be punished and the other be let free. This concept of equality of treatment is very strong in the law. Of course it can become too rigid. Anatole France acidly comments, "The Law in its magnificent equality punishes rich and poor alike for sleeping under bridges and stealing a loaf of bread." Some differentiation is desirable. For example, in our law school, illness is a recognized excuse for absence from an examination although this is fatal to a well student. The point is that any differentiation in the application of discipline must be based on a solid reason. Otherwise there is a sense of injustice.

Second, both sides to a dispute should be heard before a decision is made. The temptation to reach a conclusion after listening to one side has to be firmly resisted. Especial trouble arises in legal proceedings when one party is absent from the state. The inclination is strong to go ahead and get the thing settled anyway. The question whether this can be properly done or not is one of the biggest problems in the law. When such a special emergency does not exist and both parties are available, it is essential to a just decision that each party should have his day in court.

Third, when a dispute is over, it ought to be over. The time ought to come when the issue is settled forever and we can go on to other affairs. Even if it was settled wrongly, it is better to let the mistake stand than to be continually reopening arguments. Once when I was playing tennis on the Harvard courts, a pair of novices were having a set on the next court in ordinary business clothes. The question arose whether a ball was in or out. After some argument they called it in. During almost every succeeding game they would suddenly stop and begin fighting over this old issue. The law does have an elaborate machinery for prolonging a litigation so as to correct any serious mistake therein. The loser can appeal from the trial court to one, perhaps two, higher

LAW, LAWYERS, AND THE PUBLIC

state courts Sometimes he can go to the United States Supreme Court. If there were an appeal from the Supreme Court to the High Court of Heaven, I am sure that a good many losers would take advantage of it. But when all the appeals have been exhausted, or if no appeal is taken, then the decision must stand between the two parties as settled forever Every man is entitled to one day in court but not to two days Perhaps this principle is not so deeply rooted in human nature as some of the others, and some legal systems have failed to recognize it Our Colonial ancestors, being without theaters and movies and circuses, found their chief amusement in courtroom contests, and they were thoroughly unwilling to end their lawsuits They never knew when they were beaten When a man lost his final appeal, he started the whole thing over again with a new lawsuit Magistrates and juries encouraged these pertinacious contestants by constant disregard of previous adjudications which ought to have settled the issues forever Today we are too busy to afford such questionable recreation.

Fourth, some sort of ownership must be recognized. A wise parent insists that small children shall respect each other's rights in their own toys, and an older boy keenly resents the appropriation of his camera or his tennis racket. Past attempts to wipe out this sense of property have broken down. John Graham Brooks once visited a free-love colony in Oregon where everything was supposed to be held in common. He was awakened early in the morning by a violent quarrel between his host and the man next door who had been picking apples from the tree which the host firmly declared to be his own. Later in the day, Mr Brooks's hostess bitterly complained to him about the bad character of the young man who was paying marked attentions to her daughter. The Pilgrims found that their crops were much more abundant as soon as they abandoned their initial resolve to hold all the farmland in common. A man could count on the help of his wife and children to grow corn which they were going to eat, but not so if the corn was merely pooled

RETURN TO FREEDOM

in the community granary The concept of property becomes substantially different when it is extended to mortgages on others' farms and stock in steel companies, but whatever our policy as to investments, there are still some things so closely bound up with our own lives that they are almost a part of ourselves—our homes, our books, our working tools We demand that the law should safeguard these just as it safeguards our own life and limbs No doubt the concept of property may change. Land is the oldest and most stable form of property, and yet the protection to it is not consistent In the nineteenth century a building which slightly encroached by mistake across the boundary line had to be scraped off, and a landowner could build a high fence at the edge of his land just to cut off his neighbor's view The twentieth century permits the encroaching building to remain on payment of compensation, and imposes damages on the landowner who puts up a spite fence Recent zoning laws are an even greater limitation on the ownership of land Nevertheless, some pretty solid ownership still remains.

Fifth, a person must within fair limits assume responsibility for the harm he does. The boy who drives a baseball through a window knows that he is doing the right thing when he pays for putting in a new pane of glass The proper extent of responsibility for unintended harm is one of the biggest problems of the law, and I shall return to it later

Sixth, a man must keep faith This is one of the oldest principles of human conduct. The Psalmist praises him that "swareth unto his neighbor, and disappointeth him not though it were to his own hurt." As very young children we exacted high fidelity from our parents when they made us a promise When I tell my dog that I am going to take him for a walk and then something important comes up, I feel bound to take him around the block at least. This obligation to perform promises was once the foundation of international relations It is still the foundation of all business affairs. Unfortunately, it has been greatly weakened of late years The refusal of our own government to honor its promise to pay

LAW, LAWYERS, AND THE PUBLIC

its debts in gold may have been necessary, but like the war it was a necessary evil and it will take us many years to recover from that calamity. A promise to pay is too often regarded as a promise to pay if convenient.

Although the legal obligation of most promises has become weaker of late, one kind of promise is more important in the law than ever before. When a man is trusted by another, when special confidence is reposed in him, as when he is a trustee or a partner, then the law insists on the utmost good faith. This conception of trusteeship is one of the biggest forces in modern life.

Within the framework of these six principles and a few more, our judge-made law has been shaped. In a sense it is not the creation of a specialized class of lawyers and judges but of the whole community. Nevertheless, the simplicity of these principles should not mislead people into thinking that the rules of law are all simple or that the entire law is an automatic reflection of ideas which are held by everybody. Law is meant for life, and life is not simple. An intricate business like banking or insurance requires for its regulation intricate rules of law. Testators desire to accomplish complicated purposes by their wills, and so a complicated system of rules grows up about what testators can and cannot do.

Can Laws Satisfy Everybody?

Sometimes the law cannot represent the wishes of the whole community because the community is divided into groups. The desires of one group conflict sharply with the desires of another. When a businessman complains that a particular rule about his obligation to his customers or to his workmen is contrary to common sense, he may merely be saying that the rule does not accord with the desires of businessmen. Common sense is often a phrase for what our crowd wants. We are so used to hearing the views of our own associates that we minimize the wishes of other groups in the community. Yet the law must think of them as well as of us. Storekeepers would like a law whose guiding prin-

RETURN TO FREEDOM

ciple is "Caveat emptor"—let the buyer beware. Employers would like a law forbidding strikes. Unions would like a law which never interfered with strikes. The actual law, which is made for everybody, must reach a balance between these conflicting desires, just as the rules of baseball attempt to effect a balance between the skill of the pitcher and the skill of the batter. Sometimes the pendulum swings. Baseball rules have changed to give a little more scope to the batter, and then later on a little more help to the fielding team. So employers once had things too much their own way through frequent labor injunctions, and perhaps now labor unions have things a little too much their way through the help of government boards.

Sometimes the law does not reflect the wishes of the community because the community does not know what it wants. A striking illustration is the law of divorce. We all know that divorce is an evil especially for the children, and we all know that a home once broken can rarely be mended, but we do not know how to reconcile these two conflicting ideas. Any reform of the existing divorce law of a state would be powerfully opposed by some section of the community. So our eastern states insist on rigid rules of divorce and then tolerate loose practices. In New York, for example, infidelity is the only legal ground. Instead of bothering to add new grounds, New Yorkers get divorced as much as they please by pretending infidelity or by pretending to live in Nevada, and their friends think none the less of them. This shocking mess will probably continue just as long as the community is willing to tolerate it.

Finally, there are some questions in which the community has little interest, and yet judges have to decide them. Here the law is likely to be the most technical, the most unintelligible to the ordinary man. Some of these questions are of a purely professional nature. The layman can hardly expect to understand procedure, the machinery of a litigation, any more than he can understand the successive steps by which the surgeon performs a serious operation. There is another

LAW, LAWYERS, AND THE PUBLIC

class of questions which is particularly troublesome for lawyers and judges. A layman thinks of a lawsuit as a contest between a knave and an honest man—anybody can see that the knave ought to lose. Unfortunately, the knave often slips away leaving two honest men to fight out which honest man shall bear the loss. The community has no opinion as between them. Some of the most perplexing questions in law are of this sort. For example, a rascal pays his grocery bill by a check, knowing that he has greatly overdrawn his account at the bank. The grocer presents the check to the teller's window on a busy Saturday morning and goes off with the cash. After the bank closes, it is discovered that the check ought not to have been paid. The rascal decamps on Sunday for parts unknown. Can the bank get the cash back from the grocer or not? The courts of different states are hopelessly divided in deciding whether the honest grocer or the honest bank must suffer for the rascal's misdeeds.

II. LAW AS A HUMAN PROCESS

Thus far I have been regarding the law as a body of rules, but there is an entirely different way of looking at it—as a process. We can tell a good deal about a man by studying his photograph, but if we want to know him well we do not stop there. We see how he behaves, we inquire about his past actions, we watch him handle a series of difficult situations. Or if he is dead, we read about what he has done, in his biography. Similarly, we know more about law if we turn away from rules and watch the actions of lawyers and other people who are involved in the legal process. Professor Karl Llewellyn of Columbia Law School defines law in this way:

What, then, is this law business about? It is about the fact that our society is honeycombed with disputes. This doing of something about disputes, this doing of it reasonably, is the business of law. And the people who have the doing in charge, whether they be judges or sheriffs or clerks or jailers or lawyers,

RETURN TO FREEDOM

are officials of the law *What these officials do about disputes is, to my mind, the law itself* ⁴

The Lawyer at Work

What then do lawyers do? When most laymen think about the work of a lawyer, they visualize him in court examining witnesses, exhorting the jury, or spinning a long argument to judges. If they think of him outside the courtroom, he is always running down evidence and preparing some case for trial like the lawyers in detective stories or Mr. Ephraim Tutt in the *Saturday Evening Post*. Yet most of the work of the actual lawyer is quite different. He spends very few hours dealing with disputes after they arise, and very many hours trying to prevent disputes from occurring. Litigation is like the cure of disease. Preventing litigation is like public health. Doctors are giving increasing thought to the problem of keeping people well, either en masse or singly. Lawyers have for centuries been trying to keep their clients out of court just as hard as doctors now try to keep their patients out of a sickbed.

We can compare lawyers to guides who are helping people avoid the swamps. For this purpose they must know the swamps, or at least know how to recognize their presence from the lay of the land. Thus a lawyer must be able to find his way around in the statute book, the new acts passed by each succeeding legislature, and the regulations of all sorts of boards and commissions. Beyond this he must search out the past decisions of courts and with their help be able to predict the future decision which may be made if he does not succeed in keeping his client out of litigation. For the purpose of such predictions, it is vital that judges shall not throw overboard rules of law which they have declared in the past. If that happens extensively, as in the United States Supreme Court at the present time, lawyers do not know how to advise their clients, and businessmen have nothing on which they can safely rely. It may be rather a high cost to

⁴ *The Bramble Bush*, 2-3 (1930)

LAW, LAWYERS, AND THE PUBLIC

pay for progress, especially if a new statute can make new law and yet give fair warning

The Need of Foresight

Over and above this knowledge of law, perhaps the greatest quality of lawyers is their ability to look ahead and foresee troubles which others overlook, and then guard against such possibilities of trouble. Lawyers develop an uncanny power for spotting future misfortunes, which is often extremely irritating to the laymen around them. Theodore Roosevelt remarked that Elihu Root was the only lawyer who ever told him what he could do, the others told him what he could not do. Nevertheless, this prevision is indispensable to the satisfactory drafting of all sorts of instruments—contracts, wills, statutes

Take a contract as an example. A dealer in pig iron makes an oral agreement to sell a large quantity to an iron foundry. He is to deliver 1000 tons every month at \$40 a ton, payable in 10 days after arrival. Everybody is happy. The seller invites all the officers of the foundry out to lunch and sets up a few drinks. Neither of the parties is in the mood to consider what will happen if any of the promises on either side are broken. That is the last thing in their minds. But along comes a lawyer to draw the written contract between them. He is Gloomy Gus, the death's-head at the banquet. He begins to ask disagreeable questions. What is to happen if the seller falls short some months by 50 tons—by 300 tons? Can the buyer call the whole thing off? Suppose the buyer is 5 days late with the payment—30 days late? Can the seller call the whole thing off? Finally the businessmen fix their attention upon such possibilities and decide what shall be done to take care of them if they occur. Clauses to that effect are then inserted in the contract. Then, when the successive times for performance arrive, both parties know exactly what their rights and obligations are instead of finding everything in a haze.

Mr. Moneybags comes to a lawyer to draw a will. He has

RETURN TO FREEDOM

a school friend, Bill Sykes, happily married to Ethel with two small children of whom Mr Moneybags is very fond. So he says he wants to give \$1000 to each of Bill's children. If Mr Moneybags wrote his own will, he would probably insert a provision like this: "I bequeath \$1000 to each of the children of my old friend William Sykes" What could be simpler than this? Yet it is loaded with dynamite. The lawyer, if he is wise, will at once begin asking questions. Do you mean just the two boys whom Sykes has now? If not, do you want to include only future children born during your own life, so that you will have a chance to know them too? If Ethel should have a baby the day after you die, do you want the baby to get \$1000? How about children born long after your death? Suppose Bill and Ethel adopt a daughter, will you give her \$1000? Suppose Bill—you know these things do happen—should become fascinated by an actress, get a dubious Yucatan divorce from Ethel and marry the actress, and have some more children whom you intensely dislike shall each of them get \$1000? Suppose Bill's older boy gets married while you are still alive and then dies before you, leaving a widow and child, shall they share in his \$1000 or shall it be dropped out? Mr. Moneybags is a good deal bothered by these questions, but by the time they are all answered, his will will be so clearly drawn that his estate will be saved a great deal of trouble and expense.

Similarly, when a good lawyer helps in drafting a bill for the legislature, he may be able to fill up in advance a good many of the holes which might otherwise, as we have seen, be left open to puzzle judges long afterwards.

The Need for Lawyers in Litigation

If litigation should come in spite of all such precautions, then the first task of the lawyer is to prepare a case for trial by assembling the facts. The litigants might do a little of this work without legal assistance, but if the case was at all complicated they would get relevant and irrelevant facts hopelessly mixed. A trial would become as garrulous as two

LAW, LAWYERS, AND THE PUBLIC

women rowing over the back fence, what down South they call "she-talk." In the biggest lawsuit in our office during my brief period of practice, our client had died after disposing of two and a half million dollars' worth of property in great detail. On the afternoon of his funeral, his wife produced a letter, of which none of us had ever heard, promising that in return for certain services he would leave her a cool million. The payment of such a sum would have knocked galley west the whole elaborate settlement of his property. We decided to contend that the letter was forged. We spent months before the trial investigating everything that this client had done for years and years, so as to show that his whole career made it highly improbable for him to have written such a letter. We spent days interviewing handwriting experts and watching them take photographs of the letter and of the client's signatures on hundreds of checks signed around the supposed date of the letter. We got experts to test the ink and the paper. We went through all our client's correspondence. The wife's lawyers meanwhile dug up other facts. Thus the trial judge learned all he needed to know about the case. He happened to decide our way,⁵ but my point is that he could not possibly have done this spadework himself. The orderly presentation of the material facts in a case from the point of view of each party is doubtless the greatest help which lawyers can render to the judge who has to decide the litigation.

It is not enough in a trial to find out the facts. The judge must decide the law, too. This means that somebody must look up all the relevant statutes and previous cases. Perhaps this job could be performed by the judge himself, with the aid of an active secretary. Yet he does it better because he has the help of lawyers on opposite sides. This is particularly true if the case goes to an upper court, for then the legal questions are usually close. Law, as we have seen, is often a compromise between the reasonable claims of two parties or two groups. So the judge needs to be made fully aware of

⁵ *Davis v. Manson*, 102 Atlantic Reporter, 714 (R. I. 1918).

RETURN TO FREEDOM

the claims of each side in order to decide wisely. If he did not hear lawyers argue the law, he might overlook some important reasons.

A Few Close Cases

However, in dealing with the process of declaring the law applicable to a litigation, I am going to leave the task of the lawyer and turn to that of the judge. I shall give you a series of close cases, tell you how and why the court decided them, and let you think whether you agree with the court.

In the Middle Ages a man was held responsible for any harm resulting from what he did, regardless of his good faith and carefulness. If a man was shooting arrows at the butts like Locksley in *Ivanhoe* and the bow shook in his hands, so that the arrow went astray and injured another, the bowman had to pay compensation though the harm was against his will. Gradually courts came to see that unintentional injuries should not be thus penalized. The business of life must go on without the hindrance of paying heavy damages when one was blameless. On the other hand, the Industrial Revolution and the congestion in cities made obvious the dangers of carelessness. So courts struck a compromise between the plaintiff's safety and the defendant's activity. By the early nineteenth century men were held responsible for the consequences of negligence, namely, lack of the care which an average reasonable man would use under the circumstances. Thus the test of liability became fault—either deliberate intent or negligence.

How far shall the consequences of negligence be carried? Often nobody could foresee all the harm his negligence might cause. A motorist is driving beyond the speed limit. Suddenly the street curves and he sees a knot of pedestrians crossing in front of his car. He hits one of them and injures his left hand. The other pedestrians were workmen, but the victim turns out to be an extraordinary violinist, whose large income is cut off for years to come by the accident. This might not have happened once in a million times, but

LAW, LAWYERS, AND THE PUBLIC

still the motorist is legally bound to pay for the full extent of the violinist's loss. The negligent person takes his victims as they are. There is a story of a famous English judge whose horses ran away while he was out for an airing. The judge kept yelling to the coachman, "Drive into something cheap."

While Judge Cardozo was on the highest court in New York, he had to consider two noteworthy cases involving responsibility for the disastrous results of carelessness.

One August day in 1924 two Italians came into East New York station on the Long Island Railroad just as a train for Jamaica was starting out, and ran forward to catch it. One of them reached the car platform without mishap, although the train was already moving. The other Italian, who had a small bundle wrapped in newspaper under his arm, jumped aboard the car, but seemed unsteady as if about to fall. A railroad guard on the car and another on the station platform tried to help the Italian in. During this act his bundle slipped from under his arm and fell on the rails. In fact it contained fireworks, though nothing in its appearance so indicated. The fireworks exploded under the moving train. The shock threw down a high pair of scales at the other end of the station platform, about thirty feet away. The scales hit Mrs. Palsgraf, who was standing close by, and badly injured her. Assume that the guards were careless in helping the Italian, and that the Long Island Railroad would have been liable for any loss he suffered. Was the railroad liable to Mrs. Palsgraf?⁶

A minority of three judges wanted to make the railroad pay. They pointed out that the guards had carelessly started in motion the chain of events ending with the blow on Mrs. Palsgraf's side. Doubtless there is some limit. If Mrs. Palsgraf's illness delayed her return home until after her baby had fallen into the fire, the railroad need not pay for the baby. Common sense and expediency must tell us how far to travel down the line of consequences.

However, a majority of four held for the railroad. Car-

⁶ *Palsgraf v. Long Island R. R. Co.*, 248 New York Reports, 170 (1931)

RETURN TO FREEDOM

dozo said that Mrs Palsgraf must show a wrong to *her*. The guards could foresee harm to the Italian and took the risk of its extent, just as the motorist who hit the pedestrian took the risk of his suffering a big loss of income. But they did not take the risk of harm to another person through a series of events which would seem improbable if one read them in a detective story. "There was nothing in the situation to suggest to the most cautious mind that the parcel wrapped in newspaper would spread wreckage through the station." In short, liability should be measured by the risk which may fairly be thrown on the actor. The foreseeable risk was harm to the package and not harm to Mrs. Palsgraf at the other end of the platform. If the guards had known of the fireworks, the risk would have been much wider.

Earlier in the same year, 1924, Touche, Niven & Co., a firm of public accountants, were employed by Fred Stern & Co. to prepare and certify a balance sheet. The Stern business was importing and selling rubber, and much money had to be borrowed from banks and money lenders. The accountants knew this and also that the certified balance sheet would be exhibited to banks, etc., as a basis for loans. For this purpose the accountants prepared thirty-two copies of the certified balance sheet. It showed assets of two and a half millions and debts of one and a half millions, with a net worth of a million. Through negligence and perhaps through fraud of one of its accountants, the Touche firm included a nonexistent asset of \$900,000, so that the Stern business was in truth on the verge of insolvency. On the faith of the apparent million-dollar balance, the Ultramares Corporation lent Stern & Co. \$165,000. When the loan was lost through Stern's rapid bankruptcy, Ultramares sued the accountants.⁷

Cardozo and the other judges ordered a new trial to see if there was fraud, but refused to hold the accountants liable for negligence alone. Reprehensible as carelessness is in accountants, they could not fairly assume a risk of losses of hundreds of thousands of dollars in return for a compensa-

⁷ Ultramares Corp. v. Touche, 255 New York Reports, 170, (1931)

LAW, LAWYERS, AND THE PUBLIC

tion of a few dollars an hour. If such an enormous risk was run, accountants would have to demand a sort of insurance premium from their clients, and this would greatly increase the expense of the accounting services which modern business and state officials make essential. A wholly unexpected burden of this sort should not be imposed retroactively by a court. If a legal rule of responsibility is desirable, it should be declared in advance by the legislature

These two cases of Cardozo show that we are modifying the nineteenth-century idea that a man paid according to his fault, for both the railroad and the accountants got off despite their carelessness. The twentieth-century idea is that a man pays according to the risk which he has fairly assumed. Even though blameworthy, he is not liable beyond this risk. Conversely, one must often pay for injuries without being at all to blame, so long as he has subjected himself to the risk. No matter how carefully a street railway company selects its motormen, it is liable to passengers injured by their carelessness. No matter how much a manufacturer insists on safety in his factory, he must still take care of a workman hurt in an accident. The Workmen's Compensation Acts make industrial accidents a risk of the business without regard to the carelessness of either employer or employee. Many states subject a father to the risk of automobile accidents while his son is whirling about in the family car, even though the boy was strictly forbidden to take it out. But if a joy rider hits somebody, no court would throw the risk on the car owner, though he may be partly to blame because he left the ignition unlocked.⁸

So far I have spoken of risks which are thrust on a man

⁸ After the address was delivered, this prediction was proved unsound because one court did make the car owner pay, on the ground that a traffic ordinance required the ignition to be left locked. *Ross v. Haitman*, 139 Federal Reporter, 2d Series, 14 (Dist. Ct. of Appeals, 1943). Thus for violating an ordinance which imposes a reasonable fine and ten days in jail as maximum penalties, the car owner may find his savings of a lifetime wiped out in order to cover the harm done by the joy rider. Some other courts, cited in this case, refuse to throw such an enormous risk on the car owner. But better carry heavy liability insurance, just to make sure.

RETURN TO FREEDOM

against his will, but the same problem of the proper extent of the risk may arise when it is assumed voluntarily. Insurance companies are in the business of taking risks and getting paid for it. For instance, the size of the premium for fire insurance is fixed after an inspection of the premises. The nature of the materials, the nearness of other buildings and their nature, the special dangers on the premises are all carefully weighed. The general principle of fire insurance is that the premiums from all policyholders must be just big enough to form a pool which will take care of the particular policyholders who have fires and also pay salaries and other expenses of running the business. It is a method of distributing a few losses among very many persons. Consequently the company's risk should not be all out of proportion to the premium it receives. And so with other kinds of insurance.

Of course, an insurance company must bear the risks which it specifically undertakes, even if it has miscalculated the premium. The real problem appears when the meaning of the policy is not clear. Some general word like "fire" or "accident" is used, and later something queer happens to the policyholder. It is not plain whether the loss falls within the word or not. The court must decide whether it should stretch the word to cover the unforeseen damage. In a way this is like the case of the widow and the public land, although that involved a statute and this involves a contract. In either situation, the judge fills a hole in a written document by his own judgment based on fairness and previous decisions.

Several insurance companies issued policies to the Lynn Gas and Electric Co. insuring a building and its contents against fire. A fire occurred in the wire-tower, from which wires for electric lighting were carried. The tower and its contents were but slightly injured, and the fire was soon put out. Simultaneously, a flywheel and pulleys in a distant part of the building were disrupted, causing serious damage to the neighboring walls and machinery. The court found that the heat of the fire caused a short circuit in the wires in the

LAW, LAWYERS, AND THE PUBLIC

tower. This brought into the dynamo below an increase of electric current which made it more difficult for the armature to revolve, somehow causing greater resistance to the machinery. This resistance was transmitted through the belt by which the armature was run, to a pulley. The shock destroyed that pulley. Its destruction disturbed the main shaft and ruptured succeeding pulleys. Pieces flying from the last pulley destroyed the flywheel of the engine. The governor was broken and everything crushed. Was this all a loss by fire which the insurance companies had to pay?⁹

The Massachusetts court obliged them to pay. Judge Knowlton said that the fire worked through agencies in the building to produce the damage. There was an unbroken connection between the fire and the injury, a continuous operation. The facts constituted a continuous succession of events, so linked together as to make a natural whole, with no new and independent cause intervening. I agree with the result, but the metaphysical reasoning may carry us too far.

On the night of July 30, 1916, a fire, perhaps started by German agents, broke out on Black Tom Island in New York harbor beneath some freight cars, which were loaded with munitions bound for the French front. After the fire had burned for thirty minutes, the munitions exploded, causing another fire, which in turn caused a second and much greater explosion of a large quantity of dynamite, etc., stored in the freight yard. The resulting concussion of air broke all the windows in lower Manhattan across the bay and caused \$675 damage to the canalboat *Henry Bird, Jr.*, which was moored a thousand feet away from any fire. Was the loss to the boat covered by a policy against perils of "fires"?¹⁰

The lower court in New York held yes, but the highest court through Judge Cardozo held no. Undoubtedly the damage was caused by fire and the *Henry Bird, Jr.* was insured against fires. But this was a distant fire. So was the fire in the

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RETURN TO FREEDOM

dozo said that Mrs. Palsgraf must show a wrong to *her*. The guards could foresee harm to the Italian and took the risk of its extent, just as the motorist who hit the pedestrian took the risk of his suffering a big loss of income. But they did not take the risk of harm to another person through a series of events which would seem improbable if one read them in a detective story. "There was nothing in the situation to suggest to the most cautious mind that the parcel wrapped in newspaper would spread wreckage through the station." In short, liability should be measured by the risk which may fairly be thrown on the actor. The foreseeable risk was harm to the package and not harm to Mrs. Palsgraf at the other end of the platform. If the guards had known of the fireworks, the risk would have been much wider.

Earlier in the same year, 1924, Touche, Niven & Co., a firm of public accountants, were employed by Fred Stern & Co. to prepare and certify a balance sheet. The Stern business was importing and selling rubber, and much money had to be borrowed from banks and money lenders. The accountants knew this and also that the certified balance sheet would be exhibited to banks, etc., as a basis for loans. For this purpose the accountants prepared thirty-two copies of the certified balance sheet. It showed assets of two and a half millions and debts of one and a half millions, with a net worth of a million. Through negligence and perhaps through fraud of one of its accountants, the Touche firm included a nonexistent asset of \$900,000, so that the Stern business was in truth on the verge of insolvency. On the faith of the apparent million-dollar balance, the Ultramares Corporation lent Stern & Co. \$165,000. When the loan was lost through Stern's rapid bankruptcy, Ultramares sued the accountants.⁷

Cardozo and the other judges ordered a new trial to see if there was fraud, but refused to hold the accountants liable for negligence alone. Reprehensible as carelessness is in accountants, they could not fairly assume a risk of losses of hundreds of thousands of dollars in return for a compensa-

⁷ Ultramares Corp. v. Touche, 255 New York Reports, 170, (1931)

LAW, LAWYERS, AND THE PUBLIC

tion of a few dollars an hour. If such an enormous risk was run, accountants would have to demand a sort of insurance premium from their clients, and this would greatly increase the expense of the accounting services which modern business and state officials make essential. A wholly unexpected burden of this sort should not be imposed retroactively by a court. If a legal rule of responsibility is desirable, it should be declared in advance by the legislature.

These two cases of Cardozo show that we are modifying the nineteenth-century idea that a man paid according to his fault, for both the railroad and the accountants got off despite their carelessness. The twentieth-century idea is that a man pays according to the risk which he has fairly assumed. Even though blameworthy, he is not liable beyond this risk. Conversely, one must often pay for injuries without being at all to blame, so long as he has subjected himself to the risk. No matter how carefully a street railway company selects its motormen, it is liable to passengers injured by their carelessness. No matter how much a manufacturer insists on safety in his factory, he must still take care of a workman hurt in an accident. The Workmen's Compensation Acts make industrial accidents a risk of the business without regard to the carelessness of either employer or employee. Many states subject a father to the risk of automobile accidents while his son is whirling about in the family car, even though the boy was strictly forbidden to take it out. But if a joy rider hits somebody, no court would throw the risk on the car owner, though he may be partly to blame because he left the ignition unlocked.⁸

So far I have spoken of risks which are thrust on a man

⁸ After the address was delivered, this prediction was proved unsound because one court did make the car owner pay, on the ground that a traffic ordinance required the ignition to be left locked. *Ross v Hartman*, 139 Federal Reporter, 2d Series, 14 (Dist Col Ct of Appeals, 1943). Thus for violating an ordinance which imposes a reasonable fine and ten days in jail as maximum penalties, the car owner may find his savings of a lifetime wiped out in order to cover the harm done by the joy rider. Some other courts, cited in this case, refuse to throw such an enormous risk on the car owner. But better carry heavy liability insurance, just to make sure!

RETURN TO FREEDOM

against his will, but the same problem of the proper extent of the risk may arise when it is assumed voluntarily. Insurance companies are in the business of taking risks and getting paid for it. For instance, the size of the premium for fire insurance is fixed after an inspection of the premises. The nature of the materials, the nearness of other buildings and their nature, the special dangers on the premises are all carefully weighed. The general principle of fire insurance is that the premiums from all policyholders must be just big enough to form a pool which will take care of the particular policyholders who have fires and also pay salaries and other expenses of running the business. It is a method of distributing a few losses among very many persons. Consequently the company's risk should not be all out of proportion to the premium it receives. And so with other kinds of insurance.

Of course, an insurance company must bear the risks which it specifically undertakes, even if it has miscalculated the premium. The real problem appears when the meaning of the policy is not clear. Some general word like "fire" or "accident" is used, and later something queer happens to the policyholder. It is not plain whether the loss falls within the word or not. The court must decide whether it should stretch the word to cover the unforeseen damage. In a way this is like the case of the widow and the public land, although that involved a statute and this involves a contract. In either situation, the judge fills a hole in a written document by his own judgment based on fairness and previous decisions.

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LAW, LAWYERS, AND THE PUBLIC

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RETURN TO FREEDOM

Lynn factory far from the flywheel. But much happened between the fire and the injury. So in the Lynn case. The Lynn test of "continuous succession of events" would apply equally well to the Black Tom fire. However, the Lynn fire was on the insured property though not the injured part of it. The fire was in the policyholder's own factory, which the company had a chance to inspect so that it could anticipate possible fire losses, calculate the risk, and fix the size of the premium accordingly. Here the fire was far away from the insured property. The company could not estimate this risk in advance in the way in which premiums are customarily determined. Perhaps the \$675 damage to this canalboat would not bankrupt this insurance company; but doubtless this was a test case, and a victory for the canalboat owners would mean that all the insurance companies would have to pay millions of dollars to policyholders ashore for broken glass and other concussion damage. This was more than the fair extent of their risk. As Cardozo said:

Our guide is the reasonable expectation and purpose of the ordinary business man when making an ordinary business contract . . . There are times when the law permits us to go far back in tracing events to causes. The inquiry for us is how far the parties to this contract *intended* us to go. The causes within their contemplation are the only causes that concern us.

Jones, the owner of a gas station, took out a policy insuring him against bodily injuries suffered by motorists, etc., "as the result of any accident" occurring in the operation of Jones's business. The insurance company agreed to pay the expenses of defending Jones if he was sued for such an "accident" and to pay any damages which might be awarded. One day Jones got into a dispute with a motorist about the type of oil which Jones had just put into his engine. Jones terminated the dispute by pulling out a gun and shooting the motorist, who luckily survived. Jones went to prison for intentional assault. Later the motorist sued Jones to make him pay the medical expenses and other injuries caused by the

LAW, LAWYERS, AND THE PUBLIC

gunshot wound. The insurance company objected to defending the suit on the ground that it was not covered by the policy, because the shooting was not an "accident." How should the Michigan court decide this question?¹¹ It all depends on the point of view. From Jones's point of view, it clearly was not an accident. He intended to do just what he did do. But if you look at the shooting through the eyes of the unfortunate motorist, it was a very bad accident. Years ago when a man was hanged by a Mississippi mob, his widow recovered accident insurance.¹² The mob behaved deliberately, but it was an accident to *him*. And it was his policy. Here, however, the policy was issued to Jones, so ought not his point of view to be decisive? Surely Jones ought not to profit by his own deliberate wrong. Some courts have stopped here and exonerated the insurance company.¹³ But this judge looked farther and saw that the dispute was not just between the insurance company and Jones. It was very important to the injured motorist that the policy should cover this situation. Then it would protect him to a considerable extent. When he won his damage suit, as he did, he could collect the award promptly from the insurance company regardless of what happened to Jones. Jones might go bankrupt or vanish to parts unknown with all his cash, and still the company would have to compensate the motorist for his hospital bill and other losses. On the other hand, if the court let off the company in order to punish Jones, it might hurt the innocent motorist still more. So the court decided that this shooting was an accident, and the company had to pay the motorist and also Jones's lawyer. It is a close case, but I feel that the judge showed good sense. It was better to throw the risk of an infrequent injury of this sort on the insurance company which had received a premium and could spread

¹¹ *New Amsterdam Casualty Co v Jones*, 45 Federal Supplement, 887 (Mich. 1942), affirmed in 135 Federal Reporter, 2d Series, 191 (1943)

¹² *Fidelity & Casualty Co v Johnson*, 72 Mississippi Reports, 333 (1895)

¹³ This is the law in Ohio, Massachusetts, and Illinois. See cases cited in the opinion in the Jones case, note 11

RETURN TO FREEDOM

its loss among all its policyholders, than to put it all on the surprised motorist

III THE FAULTS OF LAWYERS AND THE LAW

As I draw to a close I fear that I have painted too rosy a picture. Therefore, I shall say something about the faults of lawyers and of our present law

The commonest charge popularly brought against lawyers is that they knowingly represent a guilty man or the unjust side of a case. Our profession has plenty of shortcomings, but this particular accusation seems to me largely undeserved. In the first place, it is a cardinal principle of our law, as I have already stated, that every party is entitled to his day in court, and a proper hearing involves the help of a lawyer. This applies to bad men as well as good men. If it were otherwise, the good man who is suspected of being bad would be deprived of counsel along with the really bad man. As Judge Pound of New York observed, "The rights of the best of men are secure only as the rights of the vilest and most abhorrent are protected."¹⁴ Two of the proudest events in our legal history are John Adams defending the British soldiers after the Boston Massacre, and the Supreme Court and Colonel Kenneth Royall giving the Nazi saboteurs due process of law. And even a guilty man is entitled not to be punished more than he deserves, so that he needs a lawyer to persuade the judge to keep the penalty within the just limits. Of course I am not defending lawyers who get criminals off by perjury and other wrongful methods.

The chief shortcoming of lawyers, in my opinion, is not that they advocate causes in which they do not believe, but that they believe too strongly in the causes which they advocate. A lawyer is too much inclined to take the point of view of his client, not only toward a particular litigation, but in looking at all his client's relations to antagonistic groups or to the community at large. This is especially true when a

¹⁴ Dissenting opinion, *People v. Gitlow*, 234 New York Reports, 132 at p. 158 (1922).

LAW, LAWYERS, AND THE PUBLIC

lawyer is retained by only one class of clients. A lawyer who works entirely for employers blinds himself to the labor side of industrial disputes. A lawyer who works only for labor unions becomes unable to admit that unions have any shortcomings.

Looking at the situation still more broadly, I blame our profession for being too unaware of what we are doing. Most successful lawyers are very busy men. They are constantly driven by the thought of the next case to be tried or the next agreement to be drawn. They rarely take time to stand off and survey their whole work and consider whether some of it is not either wasteful or actually disadvantageous to the welfare of the community. It would be a good plan for every lawyer to take a holiday during the week after Christmas and try to contemplate every one of his important transactions during the past year through the eyes of a thoughtful and impartial witness.

Another bad fault of lawyers is their reluctance to change. Their tense absorption in their work which I just described prevents them from seeing the undesirability of rules and practices to which they have been long accustomed. Also they fear change because of its effect on their clients, because it will bring new problems and render obsolete the knowledge which they have taken so much labor to acquire. Moreover, they stick too closely to law as an isolated subject and refuse to learn from the other social sciences, from psychology, psychiatry and medicine. At the same time it is fair to recognize that lawyers do not form the only profession which is hostile to change. The doctors are celebrating this year the one hundredth anniversary of the brilliant exposition of the causes of childbed fever by the father of Mr. Justice Holmes. Yet the predecessors of these doctors greeted that paper with a storm of denunciation. Forty years after it was published, the Boston Lying-in Hospital was swept by an epidemic of childbed fever because of persistent refusals to adopt the simple precautions of hand-washing and so on which had been described by Doctor Holmes.

RETURN TO FREEDOM

Lawyers are slow. They will take more time in getting a case put off than it would require to try it. Often they do not learn to organize their lives. They allow themselves to become overcrowded with profitable work without planning to take care of it. This last charge cannot be brought against the great law offices in New York City and elsewhere which are as highly organized as a modern munition factory. There is a different danger. The great office is so full of lawyers that the old personal relation between lawyer and client or between individual lawyers on opposite sides of a case may disappear. Law becomes a business rather than a profession.

Finally, a certain amount of sordidness seems inevitable in our profession. Law and lawyers deal considerably with very unlikable people, foolish quarrelers, business failures, tricky traders, and actual criminals. Lawyers see more than is good for them of the seamy side of life—divorces, evasion of debts, frauds. As soon as one enters an old courthouse, he recognizes the same bad smell clinging around its corridors from the host of unwashed witnesses and clouds of stale tobacco smoke. All the scrubbing and disinfectants will not get rid of this odor. So the lawyer himself, no matter how high-minded, is tinged with some of the sordidness with which he is concerned. And there are plenty of lawyers who are not high-minded. Our profession has a fringe of undesirables—shysters, hard-boiled deputy sheriffs, private detectives. The courthouse is no more a place for the aesthete than the hospital.

Last of all, the law itself is not perfect. Our contemporary body of rules seems to me like a long residential street. The houses date from different periods. Probably most of them met the needs of people at the time when they were built, but meanwhile standards have changed. Hence many of those houses ought to be torn down and replaced with modern structures fit for men and women and children of 1943. Yet this replacement occurs only sporadically. Individual owners do not want to spend the necessary money and time, and the community rarely takes the rebuilding in hand. So rules of

LAW, LAWYERS, AND THE PUBLIC

law, even though they originated in the needs and opinions of the community, often fail to meet the new needs and the new opinions of a later time. Here the resemblance between the rules of law and rules of sport breaks down. The conditions under which a sport is played usually remain constant, and hence the rules of that sport can stay substantially the same for long periods of time. Thus the rules of tennis and baseball are what they were thirty years ago, and even the rules of bridge have hardly been changed for a long time. The chief exception is football, which underwent a legal revolution in 1906 to meet the overwhelming demand for greater safety on the part of parents and college presidents. For once there was a definite change of the conditions under which the rules had to operate. With law, on the other hand, the conditions are always changing, for human life will not stand still. New inventions, improvements of business organizations, movements of population, changes in religion and education, all these bring about new needs which the law ought to satisfy, but which the old rules do not meet properly. There are internal changes, too. Opinions which were widely held when a statute was enacted, or a leading decision made, get discarded, and entirely different opinions prevail which are out of gear with the surviving rule of law. Political and economic power shifts from the group which was favored by the old rule to a group which suffers from it. Meanwhile, the old rule either persists or changes much more slowly than the conditions. The law always lags behind life. Consequently, bad strains occur at numerous points where the rule diverges from the need. Sometimes the jury may try to bring the old rule into line with current opinion by the practical method of disregarding what the judge says about the law, but this method of reform naturally operates in a very haphazard way, and when the jury runs wild, the result may be very unfair to the losing party. Obviously, a conscious and systematic modification of the old rule is a much better kind of reform. Occasionally this will be accomplished by a statute, especially when the old rule injures

RETURN TO FREEDOM

a cohesive and influential group like the labor unions. Often, however, the obsolete quality of the old rule does not affect enough people to make it worth the money for anybody to do anything to change it. What is everybody's business is nobody's business. Gradually the pressure of facts and opinions will cause courts to bring the old rule into line with our own times, but this again is a haphazard process. There is little thoroughgoing examination of all the rules in a given department of life, followed by a persistent and careful effort to modernize the rules.

The complaint is often made that there is too much legislation. On the contrary, I think that there is too little legislation. Very likely we could do without many of the statutes which regulate comparatively small matters on the spur of the moment without sufficient thought of the consequences. Still, we need a great many extensive statutes to clean up whole branches of the law, and we do not get them. It will take too much trouble, and we are too busy with other things.

At the same time, any new rule which is made will also last a long time, and if it be not carefully drawn to meet present needs and the future needs which we can reasonably predict, then the new rule will be just as bad as the old. Our experience of Prohibition shows that a law does not operate successfully just by getting passed. Rules of law will be most effective when they embody the generally accepted standards of the community.

Henry Sloane Coffin

THE eloquent discourse that follows is one of those enunciations which do not reveal their full impact or beauty on first reading.

Truth freely pursued and fully uttered is divisive, and divisions are perilous. Truth-seeking and truth-speaking are the luxuries of the safe. A menaced society cannot afford them. . . . Frightened folk are not eager to hear [the truth], and in no mood to be patient and let it win its own victories and bring its own unity.

These lines, which will be found in their context on pages 106-107, introduce a theme as old as humanity and as new as the latest infant born. Spoken in the winter of 1942-43, they have an authority that will increase in the years immediately to come, and the essay is to be read as a part of forces in our day that work for good.

Henry Coffin is among the number of those who have made it their lifework to nourish and refine their times, always as the pastor, guiding men for their needs out of a deep and unobtrusive knowledge of "the antique world." Here he is vigorous, simple, direct, and like all who have been spiritual leaders, sensitive both to the terror and melancholy of human life, and to its immense capacity for greatness. Here he seems to say that new discoveries in the heart of individual man, as well as old traditions, are necessary for that inner revelation by which maturity of the spirit is achieved.

Thus in present setting, for the needs of tomorrow, are perceived the thoughts which echo the brief homily of the Venerable Bede, another churchman, who long ago expressed the same verities:

RETURN TO FREEDOM

The present life of man on earth seems to me, in comparison with the time of which we are ignorant, as if you were sitting at a feast with your chief men and thanes in the winter time, and a fire were kindled in the midst and the hall warmed, while everywhere outside there were raging whirlwinds of wintry rain and snow, and as if then there came a stray sparrow, and swiftly flew through the house, entering at one door and passing out through another. As long as he is inside, he is not buffeted by the winter's storm, but in the twinkling of an eye the lull for him is over, and he speeds from winter back to winter again, and is gone from your sight. So this life of man appeareth for a little time, but what cometh after, or what went before, we know not. If therefore this new doctrine contains something more certain, it seems justly to deserve to be followed.

T H. J.

THE SPIRITUAL BASES OF DEMOCRACY

by Henry Sloane Coffin

A DEMOCRATIC society, with its political institutions and way of life, rests upon three assumptions the capacities of the common man, the self-evidencing power of truth, and the favorableness of the universe to a human order which seeks to embody brotherhood. These assumptions have never been made by large sections of mankind. In our day they have been discarded by many who once made them. When examined, they are easily challenged.

The capacities of the mass of men are not immediately impressive. To many thoughtful persons man seems obsessed with a ludicrous sense of his own importance in the scheme of things. Against the background of millions and millions of years and of the vast solar spaces about our planet, what are the brief struggling careers of mortals generation after generation? Tennyson asked

What the philosophies, all the sciences, poesy, varying voices
of prayer,

All that is noblest, all that is basest, all that is filthy with all
that is fair? . . .

What but a murmur of gnats in the gloom, or a moment's anger
of bees in their hive?

Nietzsche called human existence "a side show on some ridiculous star." Others to whom man is the supreme interest in the cosmos, after years of experience with their fellow mortals, become disgusted. That perfervid disciple of Rousseau, Danton, declared toward the close of his career "I have had my fill of man." George Sand is said to have worshipped humanity until in the Revolution of 1848 she dis-

RETURN TO FREEDOM

covered that in its make-up were "a large number of knaves, a very large number of lunatics, and an immense number of fools." And surely when accounts of the hideous brutalities inflicted upon helpless groups, like Jews in Poland or like the Czechs, are before us, we have felt as did Apemantus, the "churlish philosopher" in Shakespeare's play, who when Timon asks him "What wouldst thou do with the world, Apemantus, if it lay in thy power?" answers. "Give it to the beasts, to be rid of the men." Recent psychology, exposing man to himself, does not increase our confidence in our own judgment. We are shown that we think wishfully, rationalize our interests, and, when we fancy ourselves reasoning, are in fact driven by primitive instincts. If the individual judgment is so untrustworthy, what assurance have we of collective wisdom? What basis is there for the assumption that public opinion is a safe guide of the common life?

Nor is it easier to be confident of the self-evidencing power of truth. That was taken for granted by those who sacrificed to maintain freedom to seek and to speak it. That has been the basis of all our science and of all our education. But truth takes a long time to get itself recognized, it can be tampered with by the designing, and it may never be recognized by everybody. Freedom of investigation and of discussion leads to differences of opinion and divides society into parties. This does not matter when the differences are over physics or philology—contemporary totalitarians permit them, but differences in the interpretation of history or of economics or of politics have serious practical effects upon a nation. Effective measures are taken to attain and preserve solidarity. A preposterous racial myth is invented to restore the morale of a humiliated people and is made national dogma. The press, the school, the university, the radio, the theater, art and literature, and even the church (if so troublesome and obdurate a supranational institution be allowed to continue at all) are regimented to inculcate the views and ideals of the dominant party, and produce a people united in outlook and purpose. Truth freely pursued and freely uttered

THE SPIRITUAL BASES OF DEMOCRACY

is divisive, and divisions are perilous. Truth-seeking and truth-speaking are the luxuries of the safe. A menaced society cannot afford them. Truth is hard to get at, harder still to report accurately, seldom finds unprejudiced ears, and takes an unconscionable time to have itself acknowledged and obeyed. Frightened folk are not eager to hear it, and in no mood to be patient and let it win its own victories and bring its own unity.

Even more difficult does it appear to believe that the universe favors a society which aims at human brotherhood. The cosmos seems morally indifferent. Thomas Hardy called it "this nonchalant universe." What does it care whether we absurd Lilliputians live together our fleeting day in mutual honor and consideration, or spend it like swine or wolves? If the cosmos be unconcerned with human society, why fancy that democracy has any kinship with basic reality? Why assume that democracy can and will survive? We may prefer it, but men do not give their utmost to a mere preference, especially if that preference has no more assurance of permanence than some sand fort built by children on a beach where the tide changes and floods in. Democracy's rivals have become religions—views of the world and philosophies of life; they kindle passionate ardor in their devotees. Is our democratic culture a mere matter of taste? Has it come about through a fortuitous combination of historical and geographical circumstances? Or can it claim our convinced loyalty because, despite current faults, it roots down into the fabric of things?

Is this faith which our country and some of its allies take for granted and on which our life is based—faith in the capacities of the common man, in the self-evidencing power of truth, in the universe as favoring brotherhood—a wishful assumption? Or is it a faith grounded in spiritual fact?

Historically it is a faith which has come to full flower only in one section of the world, and a section where a particular religious inheritance has been dominant. The Declaration of Independence speaks of men as "endowed by *their Creator*

RETURN TO FREEDOM

with certain unalienable rights" and concludes "with a firm reliance on the Protection of Divine Providence" Many factors combined to produce the democratic mind, but its religious elements are plainly discernible.

Why do we believe in the capacities of the common man? Certainly not because we are confident in our own abilities, or impressed with those of the mass of our fellow men. We distrust and dislike the self-assured. We honor the man who, while frankly blaming himself for mistakes and follies, ascribes his successes and achievements to that which is given him. Thankfulness to a divine giver makes men both agreeable and trustworthy. Our historic faith teaches that man is a dependent creature, but he bears the image of his Creator and has kinship with Him. In Israel even slaves were spoken of as "souls." And when a prophet heard God saying: "All souls are Mine," every man was invested with dignity. Christians believe that in a plain Man, a carpenter, a member of a subject race in a corner of the Roman world, God became incarnate and disclosed His fulness. It is true that God's Self-revelation serves to expose the wickedness and imperfection of all men. His gospel in Christ makes all distrust themselves as sinners, whose best judgment and most sensitive conscience are corrupt and come far short of their heavenly Father's. But sinful human nature is not something unalterable. Bad men can through faith in Christ be redeemed and given new hearts and right spirits. There are no limits to the growth of souls in fellowship with God. Such change and growth affect conscience and judgment. Where there are sufficient Christians ruled by the mind of Christ, public opinion acquires a new spiritual quality. Limitations of human ignorance will never be wholly transcended, nor is there any likelihood of men's being completely free from pride and selfishness, but a society ruled by the Spirit of Christ will have insights and standards incomparably beyond any without this inspiration. Its members are likely to be thoughtful and dependable citizens.

Why do we believe in truth? and why are we patient to let

THE SPIRITUAL BASES OF DEMOCRACY

it work its own results and bind men into its own unity? Not because we see it everywhere at once victorious. Lies, humbug, bunkum, superstitions flourish. All of the people are fooled half of the time and half of the people all of the time, as Lincoln said. We admit that it requires a long while, often many lifetimes, for truth to be widely seen and accepted. But for us, (and here the religious heritage of Israel combines with that of Greece) truth is an aspect of the living God. He has always had His struggles with the blindness and obduracy of the children of men. But if truth is of God, its ultimate triumph is sure. We dare not hamper it, or conceal it, or be indifferent to it.

We do it wrong, being so majestic
To offer it the show of violence,
For it is, as the air, invulnerable,
And our vain blows malicious mockery.

To oppose it is to be found fighting against God. To seek it is to seek Him. To speak it is to open a further entrance for Him into His and our world. To trust it utterly is to have faith in the faithful Lord of earth and heaven.

Why do we believe that this seemingly apathetic cosmos favors a society aimed to produce brotherhood? Not because nature is partial to democracies. Its suns rise and its rains fall on totalitarians and democrats alike. Nature appears a neutral in man's moral struggles, but our religious tradition proclaims that the Creator and Lord of this and all worlds is set on justice and kindness and fidelity between man and man. He is the righteous and loving Father of all, and wills that nations and individuals deal with one another in holy love.

Nor is this faith an ungrounded assumption. Corroborative evidence has been piling high through the centuries, and surely a demonstration of the catastrophe wrought by disregarding it is being given in blood and tears to our generation. When men employ their collective intelligence for the common good, the cosmos responds. Deserts become gardens.

RETURN TO FREEDOM

by irrigation, acres yield larger crops under scientific agriculture, the wants of men are both increased and satisfied by inventions. These are the results of fellowship—of brother leagued with brother. If dwellings on one block are unsanitary, tuberculosis, starting there, menaces a city. Inventions employed unfraternally furnish the race with the implements of mass murder. Unemployment with consequent poverty in any section of the population not only cuts off a market, but also places a burden of relief on the rest of the nation. And all this is as true internationally as within our own borders. Plagues observe no frontiers. Moral slumps spread like economic depressions. No nation can be prosperous by itself alone and no nation can undergo disaster by itself alone. Advances in knowledge and in art become common property, and spiritual gains to become enduring must be shared with all. Substantial progress is made by teamwork; retrogression and calamity result from man's failure to consider his brother. Good neighborliness is enlightened self-interest. The universe is not without regard for human fellowship. It unlocks its secrets and yields its treasures to nothing else. Its Lord is the God of righteousness who wills a brotherhood of His children of every race and place.

It may seem incongruous that democracy should be the product of faith in a sovereign God, who claims the complete allegiance of man's heart, soul, and mind. But the plain fact is that man requires an object of devotion whose demands upon him are absolute. Liberty is safe only when the Lord of conscience is none lower than the Lord of the universe and the God of all men. Whenever faith in Him disappears, something inferior is deified—the race, the nation, the state, the class, the leader, the self. The exaltation of the human to be absolute—be it a group or an individual—is the nemesis of freedom. It results in tyranny. Faith in one living righteous God of all is the charter of the liberties of mankind.

Our American democracy was cradled in that faith. The founders assumed it. When the framers of the Declaration

THE SPIRITUAL BASES OF DEMOCRACY

of Independence asserted certain truths to be "self-evident," they did not mean self-evident to persons without the religious inheritance of the Jewish-Christian faith. From the start our coins have carried the motto: "In God we trust." One of the noblest expressions of our democracy is frequently quoted without the religious qualification which its speaker explicitly inserted. Lincoln's Gettysburg address concludes

. . . that this nation *under God* shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth

Freedom is one thing; freedom *under God* is quite another thing. Freedom is a highly questionable gift: it may mean freedom to ruin one's self and menace one's neighbors. Freedom under God is freedom to think and act responsibly to Him and to grow out of human smallness into His largeness, out of conceit and selfishness into His righteous love. Government of, by, and for the people is one thing. Majorities can be tyrannical, popular government easily degenerates into mob rule, and the lower prejudices of the populace may be played on by a demagogue. Democracies may be as aggressive and grasping as totalitarianisms. Government of, by, and for the people *under God* is another matter. Public opinion is exposed to a higher judgment, public policies are prompted and tested by the divine purpose, the public conscience is aware of and made uneasy by the divine conscientiousness revealed in Him who took men's infirmities, and bore their sins.

Democracy grew on the soil of Christendom. One might go further and say that it grew and has flourished on soil prepared by a particular variety of Christianity which stresses the liberty of every man's conscience accountable for himself immediately to Almighty God. It is a question whether it can prosper on any other soil.

Ours is not yet an age of faith, rather, it is an age of religious wistfulness. Thoughtful persons see that all our most serious problems require a spiritual solution. A stable nation

RETURN TO FREEDOM

rests upon solidarity in basic beliefs. An enduring international order requires unity in spiritual assumptions. There is a growing concern even among those who are not personally devout over their own and their contemporaries' lack of faith in God.

In one of the last of his plays, *Too True to be Good*, George Bernard Shaw makes his chief character say

Naked bodies no longer shock us. But how are we to bear the dreadful new nakedness—the nakedness of the souls who until now have always disguised themselves from one another in beautiful impossible idealisms! Our souls go in rags now, and the young are spying through the holes. The fatal word *not* has been miraculously inserted into all our creeds: in the desecrated temples where we knelt murmuring "I believe" we stand with stiff knees and stiffer necks shouting, "Up, all! the erect posture is the mark of the man: let lesser creatures kneel and crawl—we will not kneel, nor do we believe." But what next? Is *No* enough? For a boy, yes—for a man, never."

Those words were written before the present World War, and before the rise of Hitlerism to its menacing power. They have received an added weight of terror. Mature minds scanning the desperate plight of our race see that the democratic form of government and way of life, born of religious faith, depend upon the vitality of that faith to overcome antagonists and survive. If the democracies conquer in battle, they cannot really win the peace unless they both revive the religious faith of their own heritage and succeed in spreading it among the peoples now dominated by pagan ideologies. The largest task with the most far-reaching results is that of the missionary with an intelligent presentation of the Christian gospel to the mind of this generation.

John P. Marquand

IT IS no very profound observation to remark that the men of letters who speak most tellingly about the manners of their generation are often dismissed as humorous entertainers or as cynics. How many of Chaucer's contemporary readers saw in his portraits of the lady Prioress, the Monk, the Pardoner, his tales of January and May, and of Chauntecleer more than the wit of a skillful artist writing to amuse those who would while away an idle hour? In a much later generation his own countrymen were at first unwilling to take the author of *Huckleberry Finn* seriously as an artist it is of course the job of the humorist to tell anecdotes! Many who first skimmed through Ring Lardner's *Gullible's Travels* were amused at the gallery of Yahoos. They liked Lardner's stories in baseball lingo, and *You Know Me, Al* ceased to be a title and became a national catch phrase. But the savage indignation which underlay Lardner's contempt for the stupid and the petty, his fierce hatred of human grossness and vaporings, these emotions, as we now see, were directed by the sensitivity of a true artist, a satirist who was in fact a fellow traveler with Swift.

John Marquand needs no introduction as a satirist to this generation. George Apley spoke in his favor some six or seven years ago, and Apley had as good an entree to cultural circles in the late thirties as George Babbitt had twenty years ago. Marquand speaks as a novelist who sees in human nature the material to be studied for lasting comedy. Incidentally, is it the melancholy Jacques who here, in opening, offers advice to those who aspire to write professionally? At any rate, it is arresting advice.

Of course at heart all satirists are idealists. Even Ulysses'

RETURN TO FREEDOM .

counsel to Achilles to return to the battle, in his discourse on the impermanence of fame, is an expression (in Shakespeare's matchless language) of wisdom which transcends cheap realism.

For time is like a fashionable host,
That slightly shakes his parting guest by the hand,
And with his arms outstretched, as he would fly,
Grasps in the comer welcome ever smiles,
And farewell goes out sighing O! let not virtue seek
Remuneration for the thing it was,
For beauty, wit,
High birth, vigour of bone, desert in service,
Love, friendship, charity, are subject all
To envious and calumniating time.

If the satirist speaks in the ensuing essay—delivered as an address in the drear spring of 1943—so does the idealist. Is this passage from the conclusion the thought of a cynic?

The bright enthusiasms of today are bound to fade, and your one hope will be not to be deceived by superficial fashion. Let no one tell you differently. You fought this war because you had to fight. . . You fought because of a great nation's instinct for survival, and in doing so I think you will have added a certain luster in your time which no disillusion can take away.

T. H. J

“TIME IS LIKE A FASHIONABLE HOST”

by John P. Marquand

ONE evening last autumn when I regret that I had nothing better to do, I picked up a novel which I had written in 1925 and endeavored to read it. In the light of this experience, I feel free to offer a bit of advice to anyone who may be toying with the idea of becoming a writer. That is, never read anything you have written after it has appeared in print, particularly seventeen or eighteen years previously. It is too much like recalling some social gauchness which you hoped you had erased by years of virtuous living.

I remembered that I had been very proud of that novel. I had worked over draft after draft carefully balancing the sentences, polishing each phrase and finally giving it an essence of individuality which I considered essentially “my style.”

I had been much interested at this time in romantic fiction as exemplified by Robert Louis Stevenson, although I considered Stevenson as a rather pallid, calculating fellow, lacking in emotional drive. I had observed too that Booth Tarkington had tried this form of writing in one of his first books, *Monsieur Beaucaire*, which I considered rather successful and somewhat above the contemporary average. Then, too, there was Mr. Joseph Hergesheimer with his *Java Head*, competent, I considered, but a trifle wordy. Stevenson and Tarkington and Hergesheimer were all good enough as mere entertainers, but I had been setting myself down to write something which was, quite frankly, literature. There is something alcoholic and overstimulating about literary creation that often makes you lose all modesty and all proportion.

Now, when I encountered that book last autumn, I

RETURN TO FREEDOM

thought the time had arrived when I might enjoy it with a certain amount of perspective as though it were written by someone else. The worst of it was that I could achieve that perspective and at the same time relive all those moments of being more of a man of letters than I ever have been since. As I perused this effort eighteen years later, I discovered that every sentence was overwritten, teeming with colorful adverbs and adjectives, every situation was overdrawn and overemphasized. The characters had the reality of paper dolls. The setting was like a musical extravaganza in the nineties. The general effect was so lacking in sincerity, reality, or conviction, that I wondered what I could have been like when I wrote it. I could not see that I had undergone any great intellectual or emotional change. Yet, something must have happened to me in that gap of time.

If some well-meaning friend had told me frankly how bad that book was, I could have pulled myself together as writers do. I could have consoled myself, as I have before, with the conviction that my friend was a stupid fellow, incapable because of his mental crassness of understanding the subtle something which lay between the lines. Now, however, I had placed myself in the indefensible position of being my own critic, and consequently there was no answer and no excuse. Gradually there developed within me a sort of incredulous anger that anyone had ever permitted me to have the book published. At the time I had submitted the manuscript, the editors who received it, I thought, must have been deliberately deceiving me. I recalled that the *Saturday Evening Post* had published portions of it serially, and later that Scribner's, as reputable a publishing house then as it is now, had brought out this book. I even recalled that the reviews, though a trifle shorter than I had thought the book deserved, were on the whole commendatory. It was hard, as I looked back, to suppress a sense of violent resentment toward the late Mr. Lorrimer of the *Saturday Evening Post*, and toward Mr. Maxwell Perkins of Scribner's, who both, I had always considered, knew something about writing. In the end, I took

“TIME IS LIKE A FASHIONABLE HOST”

it out upon my literary agent when I next saw him. That is one of the reasons, I have always thought, why literary agents exist as a class and why writers are content to pay them ten per cent of their slender earnings. In good times and bad, you can always throw your mental discomforts at the feet of your literary agent. Thus, if he tolerates you at all, he becomes a sort of whipping boy who can take the blame for anything. Among other more immediate difficulties, I took up the matter of that novel with my literary agent. I told him that I had just read it carefully and that I did not believe he had read it carefully eighteen years before. I told him that his ever having sent it to a magazine reflected on his judgment, and that he had done a great unkindness ever to have sold it. I told him that if I were a literary agent and anyone had handed me such a manuscript I should have dismissed him from the office. That book, I told him, was an adolescent, blatant, artificial piece of fiction.

His answer surprised me at the time, and still gives me a frustrated sort of sadness, because his answer, I believe, was undeniably correct. Naturally, he was gentle about it, since literary agents must be gentle in order to get their ten per cent. It was absurd, he told me, to think of that novel as bad. Of course, he told me, it was not good in the light of what I was writing now, because I had improved considerably with the years. In fact, I was doing better all the time, and might do better still if I would only bring myself to write a little more than I did, and speaking of writing a little more, how about doing a short story about the war for the *Good Housekeeping* magazine? But, to get back to that book, it was not a bad book at all. It had been a very good book, and had shown what he called promise. He recalled that they had almost bought the picture rights in Hollywood. Somehow, the deal had fallen through, but that showed it was a good book, didn't it? The only thing that was bothering me was what bothered lots of other writers. It was a good book in its time, but now it represented a literary fashion that was outmoded. We were in another writing epoch, that was all,

RETURN TO FREEDOM

and it was very lucky for me that I was sensitive to change and that I did not write like that any more.

I agreed that this was fortunate, and I should like to leave this matter here. I have only brought it up now because it has taught me more forcibly than anything else how fashions of thinking, how mental attitudes have changed in my lifetime, and believe me they will change even faster in your own. There is only one other thing I have known that resembles my experience in reading that old book. It is the way I sometimes feel when I gaze into the windows of an antique store and see there on display and for sale at a very high price too, the mechanical savings banks, the lead soldiers, the cast-iron fire engines and horses which were common objects in my nursery when I was five or six. I venture to predict that you too will have this same experience and this same shock of change perhaps more quickly than you think, for even in a year life as we have known it is very different from what it was twelve months ago. And we, today, will consider these minutes of the present much as I now look upon the gas light era, or the gay nineties of my infancy, once this war is over.

Those toys and other more artistic ornaments, in the antique shop window, had been removed from their proper settings. When you see them staring out on the traffic of Madison Avenue, they are unsuccessfully competing with a very impermanent present and thus it is difficult to think of them as having gone almost unnoticed in their day, when they were simply the attributes of a cultural period in American life. The same thing, I think, is surprisingly true of the ephemeral literature of any generation, particularly with the novels vastly popular in one decade which, because of changing custom and because they lack something of unchanging human emotion, have not successfully moved forward into the present. It is a strange and highly educational adventure, and one which I should recommend to anyone who has the time, to take down one of these novels and to sit and read it with the hum of an airplane above you, or with the radio turned on,

“TIME IS LIKE A FASHIONABLE HOST”

which for some reason seems to help a modern student's concentration. You will learn from it more about your parents and grandparents than they have ever told you. You will learn that manners and taste and morals and thought all change nearly as rapidly as automobile models did, when we had new automobiles. It has sometimes seemed to me that teachers of school English have been wrong in so seldom calling the attention of their classes to some of these books, and in hopes of repairing this neglect, I beg leave to search my own inaccurate memory and to recommend a few of them to your attention.

Let us go back for a moment no further than the first decade of this century, to the years around 1906. They still seem close enough to me to make it seem very odd that no school-boy today was born at that quiet and prosperous time, when you still cried “Get a horse!” at the sight of a motor vehicle. You see, like you, I was a member of a prewar generation, brought up as you were, with the idea that war in a modern world was no longer possible, although I grant that my childhood days were spent in a social environment that was vastly more secure than yours. As a boy I was living at the tail end of all the niceties of the Victorian era, in a permanent society, which did not even pay an income tax, had never heard of social gains, and knew that a good railroad bond would pay forever. Back in those days we wore white kid gloves in dancing school, and learned the waltz, the two-step, and the lancers. Back in those days if you and your little pig-tailed partner, whose governess or mother was watching from the gallery, should have been found dancing together without gloves, this impropriety between the sexes would have met with the immediate reproof which it deserved. In that decade Robert W. Chambers was writing his novels depicting the follies of New York's Four Hundred—very daring novels which my parents read assiduously and concealed from me behind gay embroidered cushions on the parlor sofa. I naturally discovered them and was delighted, though startled, by the indecorous behavior of their characters. The title of

RETURN TO FREEDOM

one, I recall, was *The Danger Mark* and the other *The Fighting Chance*. They both, if I am not mistaken, dealt with rich and aristocratic New York boys and girls in their early twenties who were suffering somewhat from boredom, but principally from dysomania. If I am not mistaken the heroine of *The Danger Mark* had a bad and furtive habit of pouring drops of cologne upon lumps of sugar and eating so many of these in her boudoir that she was often a little tipsy. She fought against this habit, which shocked her in her lucid moments, for more than three hundred pages, and our hero stood by her, shoulder to shoulder, protecting her from a white-toothed villain who, I do not think, offered worse than matrimony. In *The Fighting Chance* I believe it was the young man who often found himself tipsy as he lived a solitary life in the old family mansion near Washington Square. And once, I believe, he stumbled on the steps and hurt himself and had to be helped indoors by the man servant, who had grown gray in the service of that family—"gray as a rat," was the way that Mr Chambers put it. Here it was the girl who saw that he was more than a lost soul, and do you know what those two did once? Once, at a very expensive house party, when our hero was quite sober, and when they were both madly in love, they went swimming in an indoor swimming pool and they actually exchanged a kiss beneath the surface of the water. They weren't wearing kid gloves either and "their lips met," I believe was the way that Mr Chambers put it. Times, you see, have changed since then. In those years before the last war every well-brought-up person behaved according to a strict convention. This was about the time when Mrs. Wharton's heroine, Lily Bart, in *The House of Mirth*, incidentally a very fine novel indeed, forever damned herself and came to a very bad end too, because she drank a completely platonic cup of tea one afternoon unchaperoned in a presentable young man's apartment. Innocent as her peccadillo was, it was not tolerated by nice people then. I could give you more examples, but I suggest you find them for yourselves. You will be amazed, as I am,

“TIME IS LIKE A FASHIONABLE HOST”

at how tremendously manners and mental attitudes have changed in the lifetime of your elders. Their attitude regarding relations between the sexes and toward social reform and toward money and security all have altered nearly beyond recognition, and the pendulum of taste undoubtedly will swing back again. There is nothing more unstable than manners and methods of thinking when the world around you is in flux. It is well to consider them in this light, I think, and not to treat them as permanent. The difficulty is to discover the true values which lie somewhere behind them and which time and custom can never change. It is very hard for you or me to perceive these values in a time of stress like this when we are trying to rationalize the doubts and fears connected with another war, when everyone, particularly our intellectual and political leaders, either say too much, too freely, or not enough.

We are in another war and for me, and for nearly everyone of my age, it does not seem very far back to the last war, when we saw all the manners and prejudices of our youth and adolescence broken and cast away forever. This may be why a great many of us seem to be living through an experience which is surprisingly familiar. The dress has altered slightly and so has the vocabulary and so have the intellectual concepts, but certain basic emotions and beliefs have separated themselves again from the shadows of half truths and convention.

This came to me very vividly a few days ago when I received a letter from my son very shortly after he had been called into the army, just as he had completed his freshman year at college. I am taking the liberty of quoting some of his letter to you, not because it is his letter, but because I went through this same experience once and because some of you, perhaps all of you will also. Strangely enough, his letter, although it is very hastily written, seems to me to possess certain attributes not to be found in those books I have mentioned. The reason for this must be that war in the abstract has a permanent quality and that thoughts fall into the same

RETURN TO FREEDOM

channels, provoked by the same reactions. This may be why all war literature has always seemed to me, hard though its authors may try with it, to exhibit a stern sort of sameness. If you do not believe it, glance through the pages of Mr. Hemingway's anthology, *Men at War*, which contains examples of bellicose literature from the Old Testament to the present. You will find that all these authors are writing about the same thing and not one has expressed it differently in the course of two millennia.

"I am sorry not to have written before," my son writes from the reception camp at Fort Devens, "but what few spare moments I have had have been taken up sleeping. Tonight, however, I am fire guard in our barracks and have to stay awake and on the alert from 9 until 6 in the morning. The only place for a fire guard to stay all night is the latrine, as only there can lights be on at any hour. In the latrine on a Saturday night, I have, as you may well imagine, to cope with many things. About two hours ago an M. P. came in with a man from this barrack who had delirium tremens. We took him to the guardhouse where he is now chained to his bed. In addition to this, I act as usher to dozens and dozens of scrawny, pimply faced, miserable little recruits who come in by truck at all hours of the night.

"This place resembles a Ford Company plant more than anything else. The principle of mass assembly is applied to the army in a big way and they don't let one wheel stop rolling for a single instant. Over one thousand men come in here every two days, and as many, to make room for them, must be shipped out at the same time fully geared, equipped and inspected. While you're being processed you are on the go sixteen, perhaps twenty, hours out of every day—physical examinations, intelligence tests, interviews, lectures, and illustrative movies on the articles of war and sex hygiene, inoculations, etc. All this procedure is highly unappealing, getting up at the hours I have always been accustomed to retiring and standing unwashed and half asleep waiting in the snow for breakfast, in warehouses for hours on end,

“TIME IS LIKE A FASHIONABLE HOST”

standing naked in the huge main reception room along with 500 or so others—none of this has been easy for a little boy fresh from St Mark's and La Rue's Night Club to stomach. At times it all seems unbearably dull and sordid. The snow is thawing, and the entire camp is one big bog of mud and water, and my feet are one tremendous blister. The meals are, as you know, copious but far from delicate. Breakfast is the worst because it is pitch dark and cold and there is the awful smell of burning garbage about the mess halls. You must wait for over an hour, being pushed, and pulled, and trampled on, and shouted at by corporals.

“I sleep between two old veterans. One is a sergeant who is the bitterest, most disillusioned old guy I ever imagined. He has been overseas twice and has gotten pneumonia in Iceland and ulcers of the stomach in Ireland, and is back to be reclassified. All he does is sleep all day and then proceed to tell me how worthless all women are and all his love and domestic problems, which, though they at times become unduly intimate, make interesting listening. On the other side is a fat old guy who wheezes and gargles in his sleep. His sleeves are plastered with wound stripes and service stripes and his chest is coated with all sorts of campaign ribbons and stars. He is, however, no higher in rank than I, although he swears to have been broken down twice from a warrant officer. The place is full of old guys like him who are very salty and quaint though not particularly lovable old gaffers. I have certainly learned how to get on with my fellow man. Having a tattoo upon my arm, you will be glad to know, has proved a great social asset, and now I am on quite intimate terms with almost everyone in the barracks. I have been here almost a week now waiting to be shipped out on a moment's notice at any hour of the day or night. I hope I will be back on furlough before long to get my drinks half-priced at La Rue's.”

There is naturally a considerable gap between boys your age and mine, but somehow when I read that letter the war bridged that gap temporarily at any rate. I had been to that

RETURN TO FREEDOM

same camp. I had spent the early part of the winter there myself in 1917. I could smell the burning garbage again. I could see the confused civilians coming in, stripping off their clothes and getting into uniform, and standing lost and homesick in the barracks. I think my feelings at that time were very much like my son's, a mingling of distaste and bewilderment, and simultaneously an intense interest in a new experience. In spite of the cynical phrases of that letter, I could gather that the writer was having a good time simply because he was living and seeing something new. I could even gather that he was already learning to be a soldier, complaining like a soldier, and taking what was coming like a soldier. But what is of more immediate importance, that letter seems to me to give a picture of something that is almost static. You can never change the general aspects of a camp where recruits are gathering to go to war, any more than you can change the net results of war itself. It might as well be the camp of a Roman legion as Fort Devens. The wheels of war were moving, and the recruits were going into an unknown life. They might not know why, but they were going, and a lot of you will see a camp like that.

It made me think of all the phrases and ideas which surrounded that other World War. They were not unlike the phrases you have heard in the years before Pearl Harbor, catchwords tossed carelessly about. President Wilson said in those days that there was such a thing as being "too proud to fight." There was a song in those days which I doubt whether you have heard. "I didn't raise my boy to be a soldier, I brought him up to be my pride and joy. Who dares to put a musket on his shoulder, to shoot some other mother's darling boy?" William Jennings Bryan, Secretary of State, added to the verbal confusion by saying that preparedness was needless, that in the face of danger a million men would spring to arms overnight, and in one of his speeches he added a further accurate and consoling thought. "Every day," he said, "sees the war drawing nearer to its close." As the debate grew warmer we hissed the pacifists and the

“TIME IS LIKE A FASHIONABLE HOST”

hyphenated Americans. It was strange how quickly all that verbiage evaporated, how completely you forgot it once you were a recruit in camp with the sergeant calling off the roll.

We were face to face then with the same grim unalterable facts which will meet you too some day when you join up. We were face to face with something beyond all argument, with one of those few great elemental forces that form perhaps the basis of all true art. In most of its aspects it is undeviating. We may have been a little more polite. Our enthusiasms may have been brighter and more naive since our parents came from a generation which was not disillusioned by any personal wartime experience. We were not like you, who have heard from childhood of the futility of America's sacrifices in a European adventure. In the last few years there have been other catch phrases and other ideologies. We have had the isolationists and interventionists. We have had war supplies on hand and on order. We have argued about the meaning of democracy and about our way of life, but now we are confronted again by the inescapable fact which scorns all manners and all evasions. Most of you face the prospect of going overseas to fight the sons of the men whom my contemporaries fought twenty-five years ago. This fact may be more poignant to you some time later. You face an experience so similar to the one which I once met that I have had a feeling lately that I can understand you much better than I do many men much nearer my age who were too young to fight in the last war, or others older than I who did not go. Yours and mine are two generations picked by chance to go into battle for our country. Mine has dealt, and yours will deal, with problems made for us by others, which will be beyond your control as they have been beyond ours. Last autumn I heard an educator intimate to a group of freshmen that somehow their fathers had failed in a sacred trust because they had won the war but had lost the peace. This seems to me plausible, but completely fallacious, like so many contemporary interpretations of events. We went into the last war when we were your age, we were not asked why

RETURN TO FREEDOM

—we went. The decision that we should go was made by men in our fathers' generation or older—not by us. We went because they had faced an unsolvable problem. And when the war was over believe me no young man in the army, or our colonels or majors either, made the peace, any more than you will. Our age group was not represented at the Treaty of Versailles and in the years of reconstruction, and in the decade that followed we were still too young to know or care whether or not we had won the peace. It has only been in the last few years that the voices of my age group have been heard in national council. It is the way it always will be. Old men for council, young men for war.

We were drawn for that last war as you are being drawn for this, too young to argue, too young to do anything except carry out the experts' decisions. We went, listening to platitudes and a hundred good reasons for our going, just as you will listen. Even now I am a little confused, because of their number and diffuseness, by the arguments as to why we are fighting, and what we are fighting for. These arguments are so often clouded by transient contemporary literary fashion that I think in years to come much of them will be as dusty as the books I mentioned which have not lived. We fought, we were told a quarter of a century ago, to make the world safe for democracy. We obviously did not succeed. But we did keep the Prussian militarists from dominating Europe and Pan-Germanism and the philosophy of Nietzsche from dominating the world. Today they say you are going to fight for the Four Freedoms. I hope you are going to install them. But, even if you don't, the chances are that you can stop the Germans and the Japs from coming over here.

The truth is that all causes leading up to armed conflict are always too great for strict definition. They are surrounded by oceans of verbiage and by the hot passion of the moment. I remember in the last war reading a confidential military paper that set forth a list of reasons for officers to impart to draftees as to why we were going overseas to fight. Without remembering a single one of them I can still recall that none

“TIME IS LIKE A FASHIONABLE HOST”

of these reasons seemed very cogent, and stranger still, at the time that they seemed utterly immaterial. We were in the army then and circumstances had made it necessary for us, as they will for you, to treat with what simplicity we could why we had got there. That is why I wish that we might develop an ability to stand aloof from fashions of speech, to forget what the radio commentators and the columnists have told us, to forget all the words repeated over dinner tables, and to forget the propagandist films and the speeches of great men. It seems to me there are a few unalterable facts to remember if you put on the uniform, and they are beyond confusion, not to be altered by time or manners.

We are fighting this war as we fought the last one because our country and our national institutions are in grave danger. We are fighting this war as we fought the last one, not for the aggrandizement and gain that our enemies seek, but for national survival. If we did not fight we would be a humiliated and conquered nation, even if the enemy never landed on this continent. We were not pushed into this war by British propaganda or by the New Deal, or by Wall Street, or by the Communists or the Jews, or by any other group, but by a combination of circumstances which no one political bloc or no one nation could control.

In the last war we were sustained by some such simple belief, but in the confusion of thought and in the release of the hidden forces which followed upon the armistice, for many of us this belief evaporated. By the end of 1919 we were witnessing the breakdown of past concepts which we had been taught were implicit. Such idealism and such hopes as we had conceived would arrive with the world of tomorrow, were vanishing already in the aroused rivalry of nations and in a growing social struggle. Instead of having won a new world to be constructed somewhat on the lines of Tennyson's "Locksley Hall," we discovered that the war had brought an aftermath of bankruptcy, disease, and hatreds, and a weary loss of faith. Those of us who came back from the war and those who had been too young to go formed a bitter bloc of

RETURN TO FREEDOM

disillusioned youth. When the restraints of wartime were removed from us, the conventions which we had been taught, the platitudes of patriotism which we had learned, seemed very hollow. Most of us were filled with a desire to live in the present and to hate the past and to distrust all pious sentiments and to distrust the future, and many of us live so still. The result has been the melancholia, the realism, the fatalism, the dyspomania, and the extravagance of postwar America. From both the social and the literary point of view the decade which followed the last World War and the first years of the Roosevelt administration form a most amazing epoch, and this brings us again to the books it produced. You might call it the age of the sad young men, or the age of maladjusted youth, or the age of disbelief. I think it might be well worth the time of any of your generation to make a rather careful study of this era and the elements of its reaction, for it gives a preview of the sort of era which you as returning soldiers may face when the present war is over. We had suddenly discovered a revulsion for what we had tried to accomplish, a distaste for it, and a disbelief in it. You can see it in the pages of the fiction of that period, much of it as distinctly dated now as the earlier works I have already mentioned. You can see the fierce scorn for the stupidities and the tyrannies of war in *The Three Soldiers* by John Dos Passos and in *The Enormous Room* by E. E. Cummings. You can find an even clearer picture of your fathers' world in the writing of a man who was in many ways the greatest artist of my time.

It surprised me very much a little while ago to find that young men are not all reading now the works of Scott Fitzgerald. When I mentioned his name to a young writer, suggesting Fitzgerald as a literary model, I was amazed to find that he had never read a word that Scott Fitzgerald had written, and I suddenly realized that the era which had formed so much of the thought of my generation was also over. I should advise you, though, to read not only for pleasure, but even more for instruction, *This Side of Paradise*, *The Beauti-*

“TIME IS LIKE A FASHIONABLE HOST”

ful and Damned; The Great Gatsby There is a sort of indirection in these novels and in the behavior of their characters which will make you see the hopelessness of a postwar decade and may make you understand a little why your fathers and so many of your fathers' friends may have spoken very cynically of their effort in the last war and of its waste. It is only lately, only now that our sons are repeating what we once did, that many of us are beginning to perceive that we had done something worth while and that we had started a job which you must finish.

Perhaps when you return, if you will look into our past and examine our postwar gestures, you may not be as deceived as we were. You may have a better balance and perspective than we and a better grasp on fact. In the years that follow this war people are going to say and do as strange things as they did in our time. You, too, may face another Jazz Age, another desire for Harding Normalcy, another Prohibition Era, another age of false prosperity, and finally another period of depression. The bright enthusiasms of today are bound to fade, and your one hope will be not to be deceived by superficial fashion. Let no one tell you differently. You fought this war because you had to fight. You fought because there was an evil which threatened to dominate the world. You fought because of a great nation's instinct for survival, and in doing so I think you will have added a certain luster in your time which no disillusion can take away.

There is something in the gesture you will be making and in the supreme sacrifice which may be demanded of you that transcends historical fact and rises above logic. That is why I am going to conclude by quoting to you the words of a soldier of another of our wars who experienced, as I have felt and as you will, war and its aftermath. It is a speech by the late Justice Oliver Wendell Holmes. It was delivered at the opening of Memorial Hall at Harvard University, a building dedicated to the memory of the sons of Harvard who had fallen in the Civil War. Memorial Hall seems to

RETURN TO FREEDOM

many a hideous and dated building now, part Gothic and part Romanesque, with a slate roof of several colors and a heavy golden oak interior. It represents what we think of now as the bad taste of another period, but the words of that dedication are nearly as fresh and timeless as when they were first spoken.

Mr President and Gentlemen of the Alumni.

Another day than this has been consecrated to the memories of the war. On that day we think not of the children of the University or the city, hardly even of the children whom the State has lost, but of a mighty brotherhood whose parent was our common country. To-day the College is the center of all our feeling, and if we refer to the war it is in connection with the College, and not for its own sake, that we do so. What, then, did the College do to justify our speaking of the war now? She sent a few gentlemen into the field who died there becomingly. I know of nothing more. The great forces which insured the North success would have been at work even if those men had been absent. Our means of raising money and troops would not have been less, I dare say. The great qualities of the race, too, would still have been there. The greatest qualities, after all, are those of a man, not those of a gentleman, and neither North nor South needed colleges to learn them. And yet—and yet I think we all feel that to us at least the war would seem less beautiful and inspiring if those few gentlemen had not died as they did. Look at yonder portrait and yonder bust, and tell me if stories such as they commemorate do not add a glory to the bare fact that the strongest legions prevailed. So it has been since wars began. After history has done its best to fix men's thoughts upon strategy and finance, their eyes have turned and rested on some single romantic figure,—some Sidney, some Falkland, some Wolfe, some Montcalm, some Shaw. This is that little touch of the superfluous which is necessary. Necessary as art is necessary, and knowledge which serves no mechanical end. Superfluous only as glory is superfluous, or a bit of red ribbon that a man would die to win.

It has been one merit of Harvard College that it has never quite sunk to believing that its only function was to carry a body of specialists through the first stage of their preparation. About

“TIME IS LIKE A FASHIONABLE HOST”

these halls there has always been an aroma of high feeling, not to be found or lost in science or Greek,—not to be fixed, yet all-pervading. And the warrant of Harvard College for writing the names of its dead graduates upon its tablets is not in the mathematics, the chemistry, the political economy, which it taught them, but that in ways not to be discovered, by traditions not to be written down, it helped men of lofty natures to make good their faculties. I hope and I believe that it long will give such help to its children. I hope and I believe that, long after we and our tears for the dead have been forgotten, this monument to their memory still will give such help to generations to whom it is only a symbol,—a symbol of man's destiny and power for duty, but a symbol also of that something more by which duty is swallowed up in generosity, that something more which led men like Shaw to toss life and hope like a flower before the feet of their country and their cause.

Bruce Bliven

TRAINED journalists and those who have devoted their ripest years to editorial function are not given to easy optimism. It is their job to "view with alarm" and find situations both at home and abroad "fraught with danger." In moments of crisis and in revolutionary times they, more than any other group, become watchdogs over the constitutional guarantee of free institutions. It is up to them to keep the public not only informed but aroused on a wide variety of subjects in the conduct of public affairs. If at times their comment is truculent, inclined to pessimism, or persistent in its Cassandra-like oracles, the American public in the long run is still the beneficiary, for it need never fear, so long as the press can utter freely, that faith in that part of its bill of rights has been betrayed.

Bruce Bliven is one of the journalistic fraternity who have had their share of dark moments, of distrust in the avowed motives of politicians and fear lest public trusts have been betrayed. He has never hesitated to speak his mind on such subjects. It is an informed mind and has ranged broadly over the American scene. He was born to an understanding of the Middle West and has come to know through travel and study much of the rest of the country. He is especially qualified to speak of the American character. The hope and the optimism implicit in his analysis are the conclusions of one who judges only after the evidence is in.

"Perhaps," he concludes, "the most important lesson the world has learned in the past fifty years is that it is not true that 'human nature is unchangeable.' Human nature, on the contrary, can be changed with the greatest ease and to the utmost possible extent. If in this lies huge potential danger, it also contains some of the brightest hopes that we have for the future of mankind."

T. H. J.

THE WAR AND THE AMERICAN CHARACTER

by Bruce Bliven

THE war, which has produced so many things either good or bad, has had one result that can only be called good. It has put an end to an anxious debate, which had lasted for several decades, about the American character. We forget this sort of thing rather easily, and so it is hard now to recall that for a good many years before 1941, many of our supposedly best thinkers had been busy telling us that the American character, unfortunately, had decayed.

For this, they explained, several things were responsible. For one, we had been made soft, spiritually and physically, by too much easy living—the automobile was ruining our legs, and canned food our teeth. The prohibition experiment had destroyed our respect for law and order, or what there was left of it. The automobile, furthermore, in conjunction with other causes, had ruined our morals and contributed to the unfortunate phenomenon that the younger generation had lost all respect for its elders. The discipline of the home had collapsed. The authoritarian father had gone to join the dodo. The American, we were told, was now a materialist to the last degree. He was devoted to gadgets of all kinds, at the expense of his soul. Magazines were filled with beautiful advertisements praising Things and in the effort to acquire Things we had lost all sight of ultimate values. In short, we were in a Bad Way.

This was a sobering indictment, except that it has turned out, pretty largely, to be false. American soldiers have now proved on the battlefield beyond any question, just as they did a quarter of a century ago, that they are as brave as the soldiers of any other country in the world or any of past his-

RETURN TO FREEDOM

tory Indeed, one can argue that our soldiers are braver, in a special sense, than those of some other countries, for they have not been indoctrinated with some particular point of view until they have become unthinking automata A German soldier who has been trained out of all common sense until it is his dearest wish to die for Hitler can hardly be said to show as much courage as an American soldier who has not been propagandized for anything in particular but knows it is his job to go out and take a risk of losing his life To say this does not mean, of course, that the American soldier doesn't know he is fighting for democracy against its enemies. He does know it, but not because it has been parroted to him until all his power of judgment has been lost Speaking as one who has often urged greater political indoctrination by the American army, and still believes it would be desirable, I should like to go on record as feeling that if we have to choose between the comprehensive tutelage of the Nazis and the American disregard of political education, I should prefer the latter.

At any rate, the American soldier is all right. He is, in a famous phrase, "just sort of automatically wonderful." He is resourceful, courageous, possessed of a high degree of initiative, the best mechanic in the world, and his actions are founded on a solid core of common sense which sets him off from the hysteria so often found, for example, in the Nazi army

But the soldiers, after all, constitute a special group in the community. They consist for the most part of young men, in sound physical health, men who might reasonably be expected to represent the best and most altruistic elements in the community. What about the rest of us?

Any candid appraisal of the American character must list a series of faults as well as of virtues. As a people we are volatile, mercurial, short-tempered, selfish, self-indulgent We are also—and this is no contradiction—generous, sympathetic, practical, resourceful, persistent. Naturally, among 135,000,000 people there are all possible attributes, and some

THE WAR AND THE AMERICAN CHARACTER

of these are more conspicuous at certain times and places than others

This is noticeably true of civilians in wartime. There is no doubt that some of us are behaving very badly. When the government has rationed such things as food and gasoline, black markets have promptly sprung up. (Probably the experiment with prohibition has helped to make us somewhat less law-abiding than we would otherwise have been.) Many of us have been terribly slow to realize the mortal danger in which this country was placed by Hitler's attempt to conquer the whole world, an attempt that came within a hair's breadth of succeeding, only a few months before Pearl Harbor, the House of Representatives failed by a single vote to disband the American army. In spite of government admonitions to buy nothing if we can possibly avoid it, department-store sales have recently soared to an all-time high. Some of us have not hesitated to play partisan politics even at the considerable risk of interfering with the war effort. Both workers and employers have on occasion thought more of their selfish advantage than of speeding up production of war materials. Many people continue to travel unnecessarily even after the government has asked them to stay at home.

Yet I cannot help feeling that, on the whole, this is the dark side of a picture that is predominantly bright. I should be surprised if throughout the entire country the gasoline chiselers and the conscious patrons of other black markets constitute more than ten or fifteen per cent of the total population. All over the country, war bonds have been bought in amounts exceeding the quotas set. Compulsory military service has been resisted only by a minute percentage of the individuals called. In almost all cases, a conscientious scruple against bearing arms has been alleged as a reason, and there is no doubt that in a majority of instances this has been a genuine factor. In no part of the country has there been even the possibility of draft riots such as were seen during the American Civil War. In fact, the more one studies the

RETURN TO FREEDOM

past history of this nation, the more one is impressed by our present degree of unanimity.

The average comfortable middle-class person who has stayed at home during this war has little conception of the hardships that have been endured by large numbers of people who are more directly concerned with war problems. Millions of farmers are working desperately from early dawn until late into the night trying to maintain production with less help than ever before. Factory workers travel long distances to and from work in overcrowded vehicles, spend many hours on the job, and come home to inadequate housing and shortages of food and all types of equipment. To be sure, the farmer is getting better prices, and the worker higher wages, than in the recent past; but even so the average man on the farm or in the factory has a total annual income at which most well-educated middle-class citizens would turn up their noses. One of the disturbing things about America in wartime is the developing class hostility which seems to be creating a gulf between trade-union members and their families, on one hand, and the rest of the community on the other. Trade unions certainly have their faults, but usually these faults are by no means so serious, or so important in relation to the whole trade-union movement, as the anti-union propaganda would indicate. There is a failure of information here—a failure of the unions to manage somehow to tell their story to the middle class and a failure of the middle class to realize that the workers on the whole are loyal American citizens, with substantially the same outlook and ambitions as themselves.

Another disturbing fact about our character in wartime is our inability to do away with race prejudice even in the midst of a war for democracy, a war against Nazi ideas, of which the superiority of one race is the foremost. Some people believe that in recent times racial tension in America has actually increased. I am not aware of any reliable evidence that this is true; but whether increasing or not, race

THE WAR AND THE AMERICAN CHARACTER

prejudice, founded on complete voodoo without the slightest basis in scientific fact, continues to be shockingly large. On the other hand, there is perhaps ground for optimism in the fact that a more determined fight against this prejudice is being made than ever before. For the first time we have federal laws and regulations on this subject; and even though they are widely nullified in practice, it is a gain that they have been put on the statute books.

What are the chief facts about the American character as distinct from those of other nationalities? Obviously, any generalization will be too sweeping. Not all the people in any country are alike. There are Americans who have what are commonly called British or Greek or Swedish characteristics, without having a drop of the blood of those races, and there are people in England, Greece or Sweden who would fit the description of a typical American. It is in the light of such reservations that the following remarks must be read.

First of all, of course, comes our famous national sense of humor, that characteristic which every nation in the world claims for itself and is inclined to deny to the citizens of all other countries. It is a truism to say that our humor consists of exaggeration whereas that of the British consists of depreciation, of understatement. This comparison should not be pressed too far, however; nowadays the sort of American humor developed by our radio comedians, for instance, would seem to be a polyglot affair, drawing on the resources of all the European cultures but imparting to them an authentic, unmistakable American flavor. With the international circulation of American movies, radio programs and magazines (the *Reader's Digest* for example is now published in six or seven languages including, I believe, Spanish, Portuguese, Arabic, and Chinese) it is quite possible that the world's humor may eventually be internationalized, with a flavor more predominantly American than any other.

Our people are incurably optimistic. This fact is neither to our credit nor discredit, it has grown out of our occupying

RETURN TO FREEDOM

an empty continent in which, naturally, nearly all human institutions have grown bigger—and sometimes better—with the passage of years. This is perhaps why almost nobody in America took seriously the plain fact that at one time we were in extremely serious danger of losing the war, so that during the first two years of the struggle our complacency was one of the great handicaps to our military operations. Every time we won a success on the battlefield many hundreds of persons called up and canceled their Red Cross appointments as blood donors, apparently in the belief that the war was all over. Any sort of pessimistic attitude about the future of Western civilization is looked upon by the average American as a sort of intellectual exercise, with no conceivable reality behind it. I know a public lecturer who now and then goes about the country speaking before women's clubs on the future of civilization. He takes a gloomy view of it, and he regularly has the experience, after telling several hundred Helen Hokinson ladies that the future of the human race is dark, of having twenty or thirty of them come up and tell him that they "enjoyed your message so much." One wonders what "message" he could possibly bring them that they wouldn't enjoy.

Another truism about the Americans is that we are highly opportunistic and practical. Citizens of other countries—Great Britain for example—are forever being horrified by our impatience with tradition and with all precedents, whether legal or cultural. There are certain people—good examples are sometimes found among the Latin Americans—who feel that once you have written a beautiful paper program looking toward future improvement, you have accomplished something of importance. Americans care little for paper programs and are satisfied to work on an *ad hoc* basis. I suggest that this may have had something to do with the quarrel between the United States and the rest of the world during the twenty years when America was not a member of the League of Nations. In part, this was of course the

THE WAR AND THE AMERICAN CHARACTER

result of isolationism on our part, and an isolationism which has had unhappy consequences for ourselves and for the world. But it may also have been in part the result of a feeling that when the United States was really needed to help solve the affairs of the world, we would respond to the call regardless of whether or not we had definite legal commitments to do so. We had done this before in 1917, and quite possibly many practical Americans felt there was no reason to worry about our doing it again.

It is not at all surprising that the most characteristic American philosophy, and the only formal one toward which we have made any serious contribution, is pragmatism. More than any other people in the world, the Americans are inclined to feel that truth is relative, that whatever works is true, and (this is not of course a part of pragmatism) the end justifies the means. I am not now saying that such a philosophy is a desirable one, but only that it exists, in the United States.

I find that many of my intellectual friends are horrified by certain aspects of the war. They are shocked for one thing, by the commercial advertising which seeks to wave the flag, or to claim that the products of the advertiser are playing an important part in winning the war—a claim which, unhappily, has in some cases been proved to be false by government investigations which were simultaneous with, or even preceded, the advertising in question. My friends also are shocked by the exploitation of the war in Hollywood publicity, as for example in the case of the movie starlet who undertook to kiss every soldier in an army camp, and only gave up the endeavor after having embraced almost 800 of them.

I also deplore these things. It is easy to imagine the capital that is made of incidents like this in the propaganda activities of our enemies in Germany and Japan. One thing to say to my intellectual friends is that perhaps they were self-deceived, earlier, about the cultural level of the country as a whole. Perhaps they have been trying to apply to all Ameri-

RETURN TO FREEDOM

cans standards that have never been reached, except by a minute minority, in any country.

The boastfulness of Americans has become a byword around the world. I am not sure that it is as serious as it is often described, but in so far as it does exist, I think there is a logical and not discreditable reason. No doubt it is a mistake to push too hard the influence of the frontier and the pioneer aspect of American life, yet they are important. In the frontier community, people are judged by their appearance or what they say of themselves; everyone is a stranger; no one knows how rich, well-bred, or important your ancestors were, unless you tell it yourself. Moreover, in a world where towns are constantly growing, new land is being taken up, and a continent is being put under cultivation, there are important reasons for emphasizing the fact that your country and your town are a success, and that you yourself are by no means a nonentity. Some things in American life which seem otherwise inexplicable, and are disagreeable to the more sensitive souls, can, I think, be explained on this basis.

I mentioned earlier the fact that many people, before the war, expressed deep apprehension regarding the moral fiber of America. In one special aspect, public expression of this attitude continues, though how sincerely, it is impossible to say. There are those who express the fear that our old spirit of self-reliance is dead, that we have learned to turn to Washington for everything, and that Washington itself has suffered a partial moral paralysis, in that it is filled with thousands of "bureaucrats" more concerned that the red tape is properly wound and unwound than that things get done. The more pessimistic of these critics would have you believe that the American character, and the American institutions with it, are now in the process of breaking down.

This picture seems to me enormously exaggerated. I do not doubt that many things have been and are seriously wrong in Washington, but this is a picture which requires

THE WAR AND THE AMERICAN CHARACTER

correction from another point of view. In the first place, most of the leading newspapers of the United States are hostile to the present administration in Washington and are looking for every opportunity to exaggerate the weaknesses and mistakes there, while they say little or nothing about the numerous good jobs that are done. They talk about "long-haired professors" who are trying to run the United States, overlooking the fact that many hundreds of leading businessmen of the country have patriotically gone to Washington and at heavy personal sacrifice are doing many of the things of which the press complains as being the product of crack-brained theorists who "never met a payroll." The press moreover disregards the fact which Mr. A. G. Mezerik pointed out not long ago, that very frequently, when one of the "long-haired professors" gives up his position in Washington, he is immediately deluged with offers of jobs, at \$25,000 or \$50,000 a year, in that very realm of private business which is supposed to scorn so deeply the incompetence of the academic mind.

Another point to remember is that if public business is sometimes wasteful and inefficient, the same indictment is true of private business. I could recite, if anybody wanted to hear it, a long list of occasions on which some of the largest and most important business firms in the country have made ridiculous blunders—blunders quite as serious as those attributed to the bureaucracy in Washington.

In summary, if the American character is far from being as perfect as our Fourth-of-July orators have pretended, it is also very much better than is suggested by the harsh things said about it by its detractors. The war has proved that the anxious fears about us expressed a few years ago were, in the main, false, when it comes to the final values of courageous and devoted manhood and womanhood, the Americans of this day are the equal of any other people throughout all history. Moreover, the American character is malleable in the extreme. Perhaps the most important lesson the world has learned in the past fifty years is that it is not true that

RETURN TO FREEDOM

"human nature is unchangeable." Human nature, on the contrary, can be changed with the greatest ease and to the utmost possible extent. If in this lies huge potential danger, it also contains some of the brightest hopes that we have for the future of mankind.

Max Lerner

THIS astute analysis of trends in current history is prepared by one who is no mere commentator or "newscaster." Max Lerner has a notable record—at the professor's desk and in the editorial chair—for speaking out trenchantly, even brilliantly. The dark places of reactionary and sterile thinking he brings to light. Inept, selfish "isms" he mercilessly pillories, surveying them not as historical abstractions but as concrete modern instances. There are rampant, unleashed horsemen abroad in a fascist world, which men of democratic good will must meet in deadly opposition. The era of appeasement and compromise is already as dead as the age of the Pharaohs. Artful dodging of first principles this present world-wide revolution makes impossible

Those who subject themselves to his witness will understand why he raises his voice "to exalt the present and the real," for this essay develops, in an idiom and with issues from our own time, the stirring pronouncement made by Walt Whitman three-quarters of a century ago

Political democracy, as it exists and practically works in America, with all the threatening evils, supplies a training-school for making first-class men. . . *Vive*, the attack—the perennial assault! *Vive*, the unpopular cause—the spirit that audaciously aims—the never-abandon'd efforts, pursued the same amid opposing proofs and precedents.

T. H. J.

TO HALT IN THIS LAND

by Max Lerner

THIS is no country for old men." I tear out of its context a single line from a great poem, "Sailing for Byzantium," * by William Butler Yeats, the greatest poet writing in the English language in our time. Interpreting it in my own way, it seems to me a fine thing to say about any country—that the old in spirit and in mind feel ill at ease in it because it is marching forward.

I take another quotation from another poet, Walt Whitman. In a letter to Ralph Waldo Emerson, he wrote, "Master, I am a man who has perfect faith. Master, we have not come through centuries, caste, heroisms, fables, to halt in this land today."

I am an enemy of anyone who wants to make this a country for old men. I am an enemy of anyone who wants us to halt in this land today—of all who by their acts and their failures to act, by their habit of wearing blinkers when their heads are pointed toward the future, by their callousness to the democratic will, hinder our nation from going forward. This week four great men met in the Near East. They came together to help hundreds of millions of people to shape their destiny for generations to come. Each of these men—Roosevelt, Churchill, Stalin, Chiang Kai-shek—expresses in his own way an important movement in our world. They start from widely divergent viewpoints and they represent widely divergent social systems. Yet they accept the necessity for taking a long view if all their worlds are to survive.

* From *Collected Poems* by William Butler Yeats, The Macmillan Co., New York

TO HALT IN THIS LAND

On the domestic front we have a different picture. Congress has in a number of instances abdicated responsibility. On price control, on taxes, on the question of giving soldiers the right to vote, and on the task of planning for an economy that gives them jobs and makes sense after the war, on all these matters we are offered not long-range perspective but short-range blindness.

I don't like this split between our international action and our climate of domestic opinion. We cannot long continue Dr. Jekyll abroad and Mr. Hyde at home. We are not today a socially cohesive people. A quarter century of war, of fascist aggression on the international scene, of bitter resistance to democratic controls on the domestic, have not failed to leave an imprint on us. The disease of fascism which has wasted and destroyed other societies is in our own system as well. We have kept it under control for a decade, but it is waiting for the guards to be removed.

Fascism is present potentially in every society. But to prevent its development we must know where the threat lies. We must know what is fascist and what is not. The other night I debated with a man who insisted that the only fascist dangers in this country were our President, our governmental bureaucracy, and our deficit spending. Every day some newspaper announces that the Office of Price Administration is fascist, that the Office of War Information is fascist, that the trade unions are fascist. At the same time we are told that Hitler and the Japanese war lords are also fascist. Do you wonder then that the world of political ideas has become a nightmare for so many people?

Let us begin by understanding how fascism comes to a people. It comes when the economic system has broken down, when the democratic forces in a country are too weak or too cowardly to use the controls which will make that economic system work; when faith in the government consequently vanishes, and hatreds spread, when the economic rulers, to maintain power, make terms with terrorists who take over the job of killing off the opposition. That is how

RETURN TO FREEDOM

fascism came in Germany. And if it ever comes to America I think it may come in the same way.

The fascist everywhere bears on him the mark of Cain. He is a man who hates his brother and has murder in his heart for him. His hate may be founded on religion or color or race. If he is rich, his hate may rise out of his fear of losing his privileges. If he is poor, it may rise out of his feeling of insecurity and frustration, his sense of rootlessness in a decaying society.

In America, you can spot fascist material in the man who hates Negroes and Jews because he feels superior to them; the man who hates trade unions, the man who hates the President; the man who hates all ideas and all "intellectuals"; the man who hates some of his fellow Americans because they are "foreigners," who ridicules their gestures and language, the man who feels himself a part of an elite, superior to ordinary people and destined to rule ordinary people. You can spot fascist material in the man who raises phoney scares about "Reds" and "bureaucrats" and "labor racketeers." I am speaking here, of course, only of the men who cherish such hates hysterically, and who ascribe to the individual or group whom they hate all the ills of the contemporary world. I say that if ever again we get the economic breakdown and unemployment we had in 1929, this is the material on which the fascist adventurers can count to help them destroy America.

We can avert this by keeping the body politic and the body economic healthy. We can avert it by creating a strong international structure within which our nation and other nations can live at peace. We can avert it by building a democratic conscience and will.

Let us not forget that we came close to losing one of the important struggles of our time—the struggle for the hearts and minds of our young people. I think I know how they felt in the decade of the 1930's. They looked around them and saw the productive machinery, the material resources and human resources, the managerial ability, the labor—all

TO HALT IN THIS LAND

the things that should have provided jobs for all. But something was wrong. They saw themselves in steadily increasing numbers competing for a steadily dwindling number of jobs. They asked themselves whether they would have a chance to marry and bring up healthy children. They began to wonder whether the answer might not lie in a society run with a ruthless engineering efficiency, which had very little to do with our ideas about democracy and equality.

On the international scene the young people saw not an international system but an international jungle in which the only law was the law of force, in which it was every nation for itself and the devil take the hindmost. Since the race was to the strong and the ruthless, they began to question whether any other qualities were necessary.

It was by action that we won them back at the last moment—action on a national plane through the controls necessary to fight depression and economic chaos, and action on an international plane by a war coalition which is being turned into a peace coalition.

We won them back, but not for good. If the New Deal, by a slackening of effort all along the line, turns out to be only the dream we lost, if it is betrayed from within or destroyed from without, if we allow the ties linking us to our allies to be broken and go back to isolationism and cynicism—then we shall have to wage all over again the struggle for the allegiance of our young people. We cannot have a nation with a great destiny if the democratic will is thwarted at the source—and the source is the young people on whose shoulders the future will rest.

To them we can say that the question of whether we can solve our national economic problem is no longer debatable. There was a time when it could be said with some measure of truth that if you took all the economists in the country and laid them end to end they would not reach a conclusion. Today there are some things on which they would agree. For we have shown in our war economy that given our resources, our productive plant and mechanical skills, all that is needed

RETURN TO FREEDOM

is organization and will. President Roosevelt fixed as a goal the production of 75,000 planes a year. Today we are producing planes at the rate of 100,000 a year. Last month the production was 9,000 or 10,000 planes. If we can turn out instruments of death to help America survive a war, we can turn out instruments of life to prevent America from committing national suicide after the war.

The period after the war will see one of the great tests of our national will. It is estimated that fifty billion dollars' worth of our national product for 1943—roughly a third—was in specifically war goods. That means we shall have to find new jobs for a third of our workers—twenty million of them. After World War I, when we demobilized the army, we gave each soldier fifty dollars and a ticket home. The demobilization of the army after this war will be more skillfully handled. And yet the problem is not met by mustering-out pay or unemployment insurance. The problem can be met only by planning to keep the industrial machine going at its maximum capacity.

You will hear for some time to come a loud chorus of voices, in the press and on the radio, telling you that the soldier wants to come home to the same economy that he left. If that means an economy in which the same thing can happen again that happened in 1929, I doubt that the soldier wants it. He does not want to become a martyr for any slogan, to be hailed as a hero and then forgotten. He wants to be not a veteran but a citizen. He wants a chance to turn his skill and energies into productive employment. The important thing then is jobs—not promises that our economy will be free of government control, or that the unemployed will get public relief. We must have the will to create full employment in the postwar economy as we have created it in the war economy.

This is not an impossible daydream. We have a blueprint for a successful postwar economy if we are willing to follow it. It is contained in the report of the National Resources Planning Board, part of which is embodied in legislation

TO HALT IN THIS LAND

now before Congress. The report has two parts. One has to do with creating a system of social security, unemployment insurance, health services. The second part is more important. It is a plan for public works and construction, for a partnership between government and business to create full employment. If, instead of following such a plan, we quake at the bugbear of a controlled economy and think in terms of such slogans as "free enterprise," "no government in business," we will repeat the mistakes we made after World War I. But this time it will be unforgivable. For we know better.

Some who may go along with me up to this point will be worried about the enormous governmental expenditure involved. It is true that full employment will mean high taxes, in peace as in war. It will involve the rebuilding of the slums and the replanning of many of our cities. It will involve the building of dams, such as we have in the Tennessee Valley in the South and at Bonneville in the Northwest, and the providing of cheaper power to millions of farmers' families all over the country. It will involve vast reforestation projects to restore to our eroded soil the fertility it has lost. It will involve new public health services so that no American kid will have to grow up stunted or deformed because he didn't have a chance for decent medical attention when he was young; and new educational services so that no American kid will have to grow up with his talent undeveloped because his parents couldn't send him to the school or college for which he hungered.

"But," you will ask, "where will the money come from?" Well, where is the money coming from to fight the war? Where did the money come from in Russia to carry on the biggest economic and military transformation the world has seen? The answer is, money is not the first essential for these collective efforts. What you spend is not money but actual work and sweat and imagination. As an illustration: today, in 1943, we are producing as a nation roughly twice as much as we produced in 1930, our national income is some seventy billion dollars more than in 1930. Multiply that seventy bil-

RETURN TO FREEDOM

lion dollars by fifteen—the fifteen years since the beginning of the depression—and see what that means. It has been estimated that we lost a thousand billion dollars in national income during those fifteen years because we did not live up to the hilt of our productive capacity.

The next question is usually. "Won't social security have a bad effect on people who don't want to work?" And the answer to that is that very few Americans prefer the beneficence of the community to a chance to live their own lives and carry on in their own jobs. The traditional American is a self-reliant man who wants to carry his own weight. The danger to such an American is not social security but sheer despair.

The third question may be: "Isn't all this tyrannical? Isn't planning in itself a form of tyranny?" I don't think so. We have been planning our war economy without tyranny. There were many who said before 1941 that if America entered the war against fascism it would itself become fascist in the process, that in a war for freedom we would lose our own freedom. We have neither lost our freedom nor become fascist. Planning is a neutral instrument, like an airplane. It can be used for purposes of destruction, or democratic survival.

Just as on the domestic level, so also on the international the problem is not to think up new techniques. We have a United Nations structure in the making. The problem is to reinforce and extend it, rather than to fall back on our pre-war isolationism.

You will find during the next years a group that talks increasingly in terms of American "nationalism." Their slogans will be national sovereignty and military security. They will advocate a military, naval, and air force so huge that we could take on any nation or combination in the world.

Although they may call it nationalism, I call it something that combines the worst aspects of isolationism and interventionism. It is isolationism because it turns its back on a structure of world order. It is like seeking safety by locking your-

TO HALT IN THIS LAND

self up in an airtight chamber in a sinking ship. There can be no safety for America as long as the world as a whole is on the road to anarchy.

It is also interventionist in the worst sense. For to equip an armed force that can lick the world, you must have raw materials from all over the world, you must protect the sources of those raw materials, and the transportation routes to those raw materials. That means you must intervene in every political situation in Europe, Africa, the Far East. In short, it means to become interventionists and imperialists.

No, this is not the answer. The only answer I see lies in three things—a strong democratic will, an economy of full production, a United Nations structure. Then we can have a fighting faith in this America of ours and in its future.

There is a basis for such a faith. The face of our land is beautiful, its richness and variety are unparalleled. We are not merely a nation, but a nation of nations. America is full of good things—natural resources and human resources. Living standards are higher in America than in any other nation. We have freedom of movement, of speech, of thought. Remember Stephen Benét's "Invocation" to *John Brown's Body*.

American Muse, whose strong and diverse heart
So many men have tried to understand
But only made it smaller with their art,
Because you are as various as your land . . .*

But let us not rest content with this. More is required of a people to retain their past gains. A nation only half-developed but moving forward, like China, may be greater than one that is rich but standing still. A people only partially free, but who sees freedom ahead, like the Russians, may be greater than a people whose passion for freedom is partly in the past. It is not enough to have freedom of speech, but nothing great to say, freedom of thought, but no great thoughts to think.

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RETURN TO FREEDOM

Goethe once said "Be careful what dreams you dream as a young man, for when you are old they will come true" As a nation we must be careful of the dreams we dream We must not dream the dreams of old men, nor believe our only security to lie in isolation. Our dreams cannot be nightmares of fear—fear of change, of ideas, of action. They must be dreams of revolutionary greatness in the future as in the past

There is today a democratic revolutionary impulse all over the world. For a decade people have been through war, famine, cruelty and terror. They have experienced suffering To us in America suffering is a distant echo from alien shores. To people in Europe and Asia and Africa suffering is something experienced. They have seen fascism face to face, and are determined never to have it again.

America alone is going through a reactionary phase. Yet even here, I am by no means pessimistic. Arnold Toynbee, a great British historian, points out that in every stage in the history of past cultures when people move forward toward a change in the social structure, all the forces of reaction strained to the utmost to preserve the status quo.

This should enable us to look beyond the present darkness of American reaction The blood that will have been spilled in this war is rich and quick, the blood of living men. The sweat that will pay for it will come from the devoted toil of our workers The agony from which the world is rising and the hope toward which it turns are deeper and higher than any that history has seen. Let us not betray them by pint-sized intentions or niggardly impulses For if we do, we will—to adapt Lincoln's words—have meanly lost and not nobly saved the last best hope of earth.

Charles P. Taft

IF anyone can read this sprightly and swift-moving essay on the obligations of citizenship in a democracy without being stirred to more active participation, he must be dull indeed. Discourses on the subject have been presented innumerable times, but I recall no other which presents so rounded and charming a picture of the possibilities for public service, nor one which carries the reader along so easily by the sheer force of its own enthusiasm. But the fascination increases when the reader knows, to start with, that this is an actual case history. The author is no visionary theorist. He has tackled the "very dirty, nasty, and undesirable business"—as many think it—of dealing with community affairs. He has not had his way every time, either. He's had to fight for what he has won. But clearly he's had immense fun doing it, and your feeling is that his task is—as far as he is concerned—just begun. It will be surprising, when the immediate tasks are completed which commit him to service in Washington during these emergency years, if we don't hear of further accomplishments. The zest, the imagination, and the sound good sense are established. Comparable leadership, wherever it is exerted, will attract supporters among an enlightened citizenry.

Here is enunciated, with specifics for this present, what Emerson believed of us and expressed in "Social Aims" seventy years ago.

I often hear the business of a little town (with which I am most familiar) discussed with a clearness and thoroughness, and with a generosity too, that would have satisfied me had it been in one of the larger capitals. . I said to myself, How little this man sus-

RETURN TO FREEDOM

pects, with his sympathy for men and his respect for lettered and scientific people, that he is not likely, in any company, to meet a man superior to himself And I think this is a good country that can bear such a creature as he is

T. H. J.

THE CITIZEN AS PUBLIC SERVANT

by Charles P. Taft

IN these surroundings where the attempt is made to entertain and edify the young, I have come to add emphasis to the general thesis that public service is the obligation of every citizen. You have heard that often, I suppose, but you have also had dinned into your ears the opposite idea that public service involves going into politics and that politics is a very dirty, nasty, and undesirable business.

There is plenty to justify that idea. City government traditionally in the past, and still in some places, is associated with graft, with vice, with gambling, with murder, and with a good many things that undermine the whole civic conscience of the community. There has been that kind of thing going on underneath, while you have had the "front" people making the speeches on the Fourth of July and kissing the babies during election campaigns and in general exuding virtue.

Now, in fact, ever since the beginning of what you might call the municipal reform movement in 1892, when the National Municipal League was formed, the progress in city administration has been very great. And it has come about because of the young men, and more recently the young women too, who have gone into municipal politics and into public administration, and into the kinds of governmental jobs that take professional training and background.

There are now, for instance, over five hundred city-manager cities, in which the council, the legislative body, selects a manager. In these generally that selection is entirely apart from any national political ties. They get the most competent kind of man in the fields of engineering, public health, and public welfare. a good executive. You will find

RETURN TO FREEDOM

the very great majority of our cities today have that kind of ideal and believe in that kind of operation. The success in carrying it out will obviously vary, especially in the larger cities, and they will not all reach the highest job standards.

I heard a great deal before I went to Washington three years ago about the spoils system in national politics. There are dispatches coming from Washington, and have been in the past, about the extent to which senators and representatives have gotten their friends put into various kinds of jobs. Well, I wouldn't discount the amount of that in the past, although I do say very definitely that beginning in the summer of 1940, that kind of pressure has been so reduced as to become insignificant in Federal appointments. What I was surprised to find was the extent to which, in the Federal Government, there is a tradition of public service; a group of long-time Federal administrators, who are very competent people, who went into the service fifteen or twenty or thirty years ago, and who have established a career service.

I was lucky when I came to Washington. I came into an old established organization. It had an executive assistant who had been in the government ever since the Wilson administration, he had been in the Treasury and the Veterans' Administration, and he knew his way around and had good common sense. When a question came up and I didn't know about it, I called him and asked him what to do and he said, "Do this." When I didn't call him, he caught the mistakes before the damage was done. He started, I suppose as a young fellow just out of college, and he has stayed there all those years and has built up a knowledge and experience which make the organization effective.

I have mentioned the cities and the Federal Government. The weakest spot in this whole administrative picture is in the states. The number of states that have worked out sound traditions of public service is relatively limited. That is an extremely important deficiency because if there is one thing we need it is to keep government just as close to the community as we can. If those functions which cannot be handled

THE CITIZEN AS PUBLIC SERVANT

locally are not well managed by the states, the natural thing is to send them to Washington. If it is something that can and should be done close to home, the operation of our democracy is really undermined.

For two and a half years, until I moved to the State Department, I had a job in Washington where this problem of maintaining and developing a sense of state and community responsibility was brought home to me. The immediate task was how to make provision for soldiers and sailors when they went to a town. Here is a sample

The army set up a maneuver area in Caroline County, Virginia, which is directly south of Washington, bordering on Fredericksburg. Fredericksburg is a town of some six or seven thousand people, and a little farther off, and even closer to the maneuver area, there is a little town called Bowling Green, which has about six hundred people.

This maneuver area is about a size adequate for a division. The first summer they had operations down there, which was the summer of 1942, they had a division operating with about fifteen or twenty thousand men. On a certain Saturday afternoon, not long after payday, without giving anybody any warning, these men were turned loose, and five thousand of them went to Bowling Green with its six hundred people.

Well, the people stood in their porches and watched them come in and thought they would clean up the town as if a swarm of locusts had gone through. Not at all. It is true nearly every piece of merchandise in the stores, of whatever kind, was bought by Sunday night. I can guarantee that every bathroom in Bowling Green was used by at least one hundred men from Saturday afternoon to Sunday night. All the food in town was gone by then. It was an experience.

But that was a daily experience near a big camp. There might have been a city of fifteen thousand. The first thing you knew it had grown to forty thousand, with the original number of houses, restaurants, and all the rest of the normal community facilities. This is the kind of a problem which is

RETURN TO FREEDOM

both a community problem and a national problem. You can't leave it alone, you have to do something about it.

Mark McCloskey was brought to Washington as director of recreation for the government. What could he do about it from there? The first thing he did was to find out what the facts were. He borrowed about a dozen people from any agency where he could pry them loose. My job was to get the money with which he could hire permanent people when he found out what he needed.

Men went out and surveyed the places where we had camps and the towns near them—the number of movies, bowling alleys, and other facilities for leisure-time occupation. Could they handle the prospective load? Our men went to public officials, who didn't know what to do, who had never imagined this kind of descent on their town, but who were more than anxious to have somebody tell them.

Did our men go in and do it for them? No. They went in to find out what their trouble was and then make intelligent suggestions.

You put it up to the community. Sometimes it falls down completely. One town I think of near one of the large camps is just a lousy town. It never has really tackled its job. But nineteen out of twenty towns develop within their own community the kind of leadership necessary when they are given the suggestions.

Then, after they are organized you may have to go and be sure they do the job. That takes a very delicate touch by the man in the field. He has got to needle them enough, to give them enough suggestions, and yet he must make them feel they are doing the job. That is the very essence of the relation of national to state and local government. One has to set the sights high enough to give them the plan of what can be done, and the inspiration, but in such a way that they finally begin to feel that this was "our own idea and we did it."

There are now a total of some three thousand communities in the United States dealing with this problem. In about

THE CITIZEN AS PUBLIC SERVANT

half of those operations are under the U S O , in about a half of them there are locally organized committees. An extraordinarily good job is being done by hundreds of thousands of people. But it began because one competent man came down from New York. He knows about what needs to be done. He gets enough money to hire people—he doesn't throw money around, because he hasn't any to give out. But he has about seventy-five competent men and women around covering those areas to see what they are doing, and help them do it better.

You don't hear any more cries about not taking care of the soldiers when they get to town. This is the kind of accomplishment that comes through the public servant with administrative capacity and a background of experience and "know how" who is interested in people.

But there is another problem of this national public service. Because we emphasize local responsibility, we want the publicity and credit to go to the local leaders. They are the ones who have done the job. But when we have to go to Congress and sell a very tough Appropriations Committee, we are up against it. We must keep those seventy-five fellows in the field, because they are the essential resource for the local leaders. That is another side of public service, not only getting the job done, but selling it to the people who give the money to carry it out.

Here is another kind of public service, not so modern, but just as relevant. Back in the seventies, Cincinnati, on the Ohio River, which had been the queen city of the West in the days of river transportation, had been left somewhat behind when the railroads were built. Its businessmen looked south and saw a large market across the mountains, but with no rail connection whatsoever.

An engineer in Cincinnati by the name of Ferguson conceived the idea of building a railroad from Cincinnati to Chattanooga; the city of Cincinnati should do it. He started in to interest a group who would raise enough money for a

RETURN TO FREEDOM

preliminary survey They finally persuaded the people of the city to vote bonds, even in that old thrifty German community The money was put up but it didn't go as far as they thought it would. And of course, when that occurred there were plenty of people who said, "Oh! what's the use? You're not going to be able to do it, it's just throwing money down a sink hole." But Ferguson held on and went ahead until he got enough money to build the railroad from Cincinnati to Chattanooga. It was the first cross-country railroad from the north to the south, west of the Alleghenies There had been no direct contact by rail as far west as the Mississippi

So what is the end of the story? Well, the road was leased to the Southern Railroad, and is still owned by the city, the longest municipally owned railroad in the world And, besides all the commercial benefits to the city, the Southern Railroad pays the City of Cincinnati enough money annually for the use of that line, so that in about ten years the city will have in the bank sufficient money to pay off all the bonds sold to build it In the meantime the railroad has paid the interest on those bonds, and in addition to that, even while still paying them off it pays enough additional money to pay the entire interest charges on \$10,000,000 of additional bonds that the city has issued for other purposes In about ten or fifteen years the railroad will be owned by the City of Cincinnati free and clear, and the whole income which has been paying the interest on \$28,000,000 of bonds becomes available to the city for other uses.

How do you think that engineer Ferguson felt when he was struggling to get it through and he had these people saying, "No, you can't do that, it is foolish." Yet he stuck to it, held on to his idea. Without that man and his ideas and guts the city would not have that tremendous asset.

Things like that still happen In the City of Cincinnati twenty-five years ago a man named Heintz, who came back from the war with a splendid military record, thought there ought to be a small group of men who had been through the war experience who would be interested in civic affairs.

THE CITIZEN AS PUBLIC SERVANT

So he organized a little association that met once every two weeks and discussed matters that came up in the city at the time

At one of the meetings one of the matters that came up was the matter of city government. Another member of the association was named Murray Seasongood, a lawyer. He issued a blast at one of those meetings and the political people challenged it and he went out and practically alone, single-handed, debated with them and licked them at the election.

Seasongood was the Big Bertha, the fellow with the powerful personality and the effective speeches. Another fellow, Henry Bentley, a quiet lawyer, was the organizer, and he started a movement to amend the city charter, led by five or six people, including Seasongood, who went to work on the amendment. They got up this amendment, submitted it to the people and it carried two to one.

What should they do next? Should they merely endorse candidates or should they really get together, agree on a ticket and try to elect them? They decided on the latter alternative. That took some money, you can't run a political campaign without money. It meant about \$25,000 for the campaign.

I don't know what your experience is in regard to money. I suppose you have some kind of community-chest operation in the school, but you get in a city, a city even as big as Cincinnati and you try to raise \$25,000 for an independent political campaign and I assure you it is a tough job.

There was another fellow there, Ralph Holterhoff, with that remarkable ability of being able to get people to put up money. He collected that fund practically single-handed. Then, without any thought that much could be done beyond electing a vigilant minority, they got a ticket in the field. To everybody's surprise they elected six out of nine members in the first real upset for the political machine in that community.

I don't know how much you know about reform move-

RETURN TO FREEDOM

ments, but in the history of reform movements there were not many that lasted more than one election Cincinnati was the first one and the other is New York. I have to boost my own town a little bit, come out there when we get through with this war, it is a good place to live. Just don't forget Cincinnati and Yale when I leave you

The next election was an easy one and the third election was fairly easy because of the momentum Then it began to get tougher. The vote was about two to one in the first two elections Then the margin began steadily dropping down and it became more and more difficult to get good new candidates to run A good man could find more reasons why he shouldn't run and get mixed up in politics even after this demonstration.

We tried to build up an organization with a fellow in every ward—twenty-six wards—to organize the work, to get publicity around, to have watchers at the polls on election day They were volunteers, of course, for we could not pay off in money or jobs or privileges It got tougher and tougher and tougher It finally got down to the point where in 1941, instead of being two to one, the Fusion Movement had become only twenty-eight per cent of the total vote and the Political Organization had forty-two per cent of the total vote. That meant from six out of nine in council to four out of nine in sixteen years When I had to resign in November, 1942, and the Organization councilmen elected my successor, it was three out of nine, the low point

It would have been very easy just then to lie down and quit But we had some people there, led by a local manufacturer who had been sold the idea of good government and public service. He had guts and backbone to hold on, and to get the money needed for the campaign, and to organize for it.

The tide turned They picked out a fine young woman, widow of our leading surgeon, who had been an active worker, and ran her for council in my place She was as attractive as she was competent, and they got the papers to run

THE CITIZEN AS PUBLIC SERVANT

her picture as frequently as possible, besides all the usual vigorous campaigning. She was elected in my place, and our percentage of the vote rose, for the first time in eighteen years, from twenty-eight per cent back to forty per cent. So the trend is finally turning toward a majority again.

But here is the biggest point. The former city manager picked by the Fusion Movement resigned effective January 1, 1944. What kind of man would the Political Organization pick in their first chance since 1921 to choose the city's executive? The Organization did pick a good man, but they said to him, "We will put you in but you have to fire the city solicitor, John Ellis, though he has been there for eighteen years and is competent enough. You have got to get rid of him."

Well, the new man wouldn't take the job on that basis, but what is more important, as soon as that was known to some people in the Political Organization that had been fighting the Fusion Movement, they said to the manager of the Organization, "No, sir, he is a good man and we are going to get him without any strings, or we will make a real stink." So the strings were withdrawn and the Political Organization has started its period of control on a non-political basis. While vigilance is still essential, that really represents the final victory.

What this achievement took all the way through, was men who hung on with very little on which to base any kind of hope. For all they knew the money they were raising and spending was going down the sink hole as it had in many other places where reform movements had disappeared without a trace. But they stayed with it, and something has been accomplished there that can be kept moving forward.

What I have been talking about is in the political field. That is essential, but not everyone can take time for leadership there. There are other accomplishments that are public service that do not get into the political field. All of them in our democracy, including the political, have to do with

RETURN TO FREEDOM

the basic idea of the importance of people. That emphasis on people and individuals goes back in our Anglo-Saxon tradition at least three hundred years. It was almost exactly three hundred years ago, when Cromwell's army had first defeated King Charles, that the question came up as to what kind of constitution should be provided, what should be put in it in place of what they had. That involved also the question as to who can vote.

Now they had two groups in Cromwell's army: the Presbyterians who in general were the conservatives, and the independents who were the left-wingers. We Episcopalians were just completely out of it because we were for Charles. These left-wingers were representatives of small independent religious congregations and were a pretty difficult crowd to get along with, I suspect. If they thought something was the will of God, they had to do it, no matter what anybody else thought and no matter what they had previously agreed to do.

They came to meet with Cromwell and his principal general, Ireton, about the new constitution. They said that every man should have the right to vote. Ireton replied that you could not rely on what anybody would do unless they had property and stability, those without property would want to take all the property away from people that had property if you let everybody vote. That sounds almost modern, doesn't it, like somebody talking about the present administration? Said the independents, "The poorest he in England has a life to live as the richest he"; each should live under a government only with his own consent. Some even doubted if any group could act unless all agreed to the proposed action.

But Cromwell said, "No, after all, you can't work that way." He was a practical man. He said that when a person says this is the will of God, then the only way to settle it is to let the rest judge. After a full discussion and after each person says what he thinks, you must go by what the majority says. You don't have to agree with them; you can still try and change them and get the majority over to your side, but if you are going to operate you must let the majority

THE CITIZEN AS PUBLIC SERVANT

decide, after discussion. That is the distinctive contribution of the Anglo-Saxons in political science.

There have been times and places in history where if there is a minority out of control, their idea is to shoot the majority. That has been one of the difficulties with the labor movement in France and Spain. The syndicalists and the communists approach it that way, that you don't go along and try to convert the other fellow, but the organized minority has a right to overthrow the whole business because it is right and nobody else can be right. That conceited intolerance is not our tradition.

Our tradition comes down to us from the ancient development of those independent religious congregations. In a discussion everybody has a right to be heard, and each has a duty to listen to the others with an open mind. But when the majority decides, then you go along. You may still try to convert them but you go along and get as much done as you can.

This raises that most interesting problem in public service, how extensive an objective will you aim at in order to achieve the maximum possible portion of it?

Here is a proposition for a city charter: How extreme a change can you propose and be sure to get it through? If you are chicken-hearted, you may ask for too little. Then when the votes come in you find you could have gotten a lot more. You may ask for too much, and the whole thing is lost. A person has to take the responsibility for deciding what is the thing you should do. It is a fascinating problem in government. Let me give you one sample.

In 1803 it was announced that Napoleon had bought Louisiana from Spain. We had a working arrangement with the Spanish for our shipping to go down the Mississippi, but we didn't know what Napoleon would do about that. So Jefferson sent envoys to Paris to buy New Orleans, so as to be sure to have that trade route down the Mississippi. They were authorized to pay 10 million dollars. Of course, that doesn't sound like much today, but to get something com-

RETURN TO FREEDOM

parable, make it 500 million dollars. That was all they were authorized to pay. They couldn't check up by telegraph to find out whether they could go beyond their instructions.

They got to Paris and found Napoleon not only willing to sell New Orleans but all of Louisiana, but for 15 million dollars (or \$750 million in modern funds). What were those envoys going to do? Were they going to be scared and say this is completely contrary to what the Democratic Republicans have said about governmental powers? Jefferson in his prior statements had probably laid considerable doubt on whether there was any authority to buy land that way.

What were they going to do? Those fellows had to make the decision, just a couple of them, off alone with their own consciences, their own judgments. What was it going to be? They decided to buy it and take a chance. They went fifty per cent beyond their authorization in money and bought Louisiana instead of just New Orleans and trading rights and it was approved. You think afterward, "Well, any dumb-bell could have done that." Not on your life. You get on a spot like that and you have to make a decision without knowing. Only hindsight is easy. You have that, too, I suppose in private business operation, but it doesn't come with quite that ease, when you make a decision for the community, or the nation. It is usually a pretty lonely place where you have to make those decisions. Your decision has to be based on the character and guts in the years that lie behind you, and you can't remake those.

One of the things that has been lacking in public service in these days has been the sense of importance and urgency of matters of planning. We have had for nearly twenty years, until we got into this war, too much of this business of saying, "Well, after all, it doesn't make much difference. Things are going to go just about the way they are no matter what I do. It is going to be the same next year and the year after." We haven't been brought up against the proposition that we have a life to live or to lose and that is what we are risking.

THE CITIZEN AS PUBLIC SERVANT

It is life that is the important thing. Before Justice Holmes retired, a newspaper reporter interviewed him and he recalled a tag line that came from the classics: "Death plucks my ear and says, 'Live, for I am coming' "

F S Oliver was a draper, as they call them in England, a dry goods merchant, who became interested in politics. He said, "Politics is one of the noblest ways a man could devote his life." He never went into politics himself but he wrote a good deal about it, and he was one who saw the kind of service men could render

The longer you live, the more people will surprise you. You can meet people you think are pretty much of a flop and then all of a sudden they turn up with a contribution that gives you a thrill. There is a kind of public service that I hope every one of you will devote your lives to, it doesn't necessarily mean going into government or politics, it may be the neighborhood civic association, it may be a constructive project, or it may be help in the activities of a new movement. Whatever you are doing, don't be the one to say, "No, I can't take that on."

There are two kinds of people. If you go to people to undertake a job of some kind or to get them to run for office, there are some you never can convince. They seem to have plenty of spare time but they never line up on that side. But you go to others who say, "Yes, I think I can work that in if that is what you want." You will find in every community the opportunity for that kind of public service. If there is any other useful purpose in life, I don't know what it is. It is something to which each one of you should give your loyalty and your effort.

Joseph C. Grew

READERS of this essay, delivered as an address in the winter of 1943-44, should keep in mind that it has its roots in the history of a great traditional past. The general outline of the convictions here expressed must have been grasped by the author some forty years ago when he, too, was a schoolboy, pursuing his studies in a country where that tradition of "truth" has been inalienably guaranteed as the birthright and the heritage of free men.

But the detail, the fine insight, the clean, bold strokes with which it is uttered have been learned through many years of devoted service to that country, services performed with such distinction that in the most perilous years of our national destiny he was acting as our chief diplomatic representative in Tokyo. His labors there to preserve peace, his witness to a cultural disintegration of the Japanese nation, his sense of imminent disaster, and finally his imprisonment in the American Embassy following the declaration of war—all these are a background for the words that follow. They should be read with a knowledge that behind them is the affirmation of one who did in fact—though he would belittle it—play a heroic role in the prologue and first act of the Euripidean tragedy now being presented on a global theater.

"In tragic life," said Meredith,

In tragic life, God wot,
No villain need be! Passions spin the plot!
We are betrayed by what is false within.

This is a story of what is false in the Japanese national character. It surveys the violence of the immediate past and the present with "all passion spent," and prescribes perhaps the only cure that can be effective, one which involves our active, not our passive, interest.

T. H. J.

JAPAN AND AMERICA AN INTERPRETATION

by Joseph C. Grew

He is trampling out the vintage where the grapes
of wrath are stored,
He has loosed the fateful lightning of his terrible
swift sword,
His truth is marching on

YOU, boys and young men, are learning many things during your years in school. You can learn nothing more fundamental than the meaning of the word *truth*, for truth is all-embracing. It comprises all knowledge and learning, all justice and balance and correct perspective, and all the beauty of living and of life "Beauty is truth, truth beauty," wrote Keats. "That is all ye know on earth and all ye need to know." You have tremendous responsibilities, not only now in your course of preparation, but facing you in the future—the responsibilities of educated men I cannot hold out to you the prospect of the gracious living of olden days, those brief intervals between wars when, for a small minority of mankind, the quest for truth was a normal and peaceful concomitant of life, when truth could be defended by words alone. For many years that cannot be, nor, in the light of the facts you face, would you have it otherwise, for no man or boy, if he is worth his salt, would shirk in any degree whatsoever the grave responsibilities and labor and danger which right-thinking tells him must be his portion "Though love repine and reason chafe, there came a voice without reply 'Tis man's perdition to be safe, when for the truth he ought to die " God's truth is marching on, and in giving all that you have, applying all that you are assimilating to that march of truth, you are to find the profound

RETURN TO FREEDOM

satisfaction and great inspiration of living for an ideal, for your country, for civilization, and for the future freedom of humanity. I cannot deplore that outlook that you face. I can only congratulate you that you will have, each of you, from the very start, a man's work to do—work that may try your very souls but from which you will profit and grow and your country will profit and grow by possessing you as citizens. "And if I drink oblivion of a day," wrote George Meredith, "so shorten I the stature of my soul." There must be no day, no hour, of oblivion if we are to function to the limit of our several capacities in the circumstances in which we find ourselves. Only thus can we add to our stature. At this time of national peril, and world peril, who would fail in that maximum effort?

The other day a group of visitors were passing through a hospital which had just received some wounded men from the front when they came to the bed of a soldier who had no legs. The visitors were embarrassed, but one man stepped into the breach and said to the soldier. "How'd you lose 'em, Buddy?" The soldier looked up at the visitor and said "Lose what?" "Your legs, how'd you lose your legs?" The wounded man thought for a moment, and then he said, almost as if speaking to himself "I didn't lose them. I exchanged them for a clear conscience "

Isn't that a pretty good criterion for determining whether we, individually, are pulling our weight in the boat in the war effort of our country? I think it is. If we, individually, ask ourselves that question "Is my conscience clear?" and can answer it in the affirmative, we can be satisfied. You boys and young men of Lawrenceville, and in the other schools throughout our country, might say: "But how can I contribute to our war effort while still in school?" The answer is crystal clear. All life is a course of preparation. Our soldiers and sailors and airmen even at the front are going through preparation every day of their lives, and what really counts is whether they and you and I are functioning to the

JAPAN AND AMERICA: AN INTERPRETATION

maximum extent of our several capacities in the circumstances in which we find ourselves. There's the criterion, right there. Only if we can answer that further question in the affirmative can our individual consciences be clear. A good effort is not enough. It must be a maximum effort, and you in your daily and hourly studies and preparation can be satisfied with nothing less.

And now I turn to one phase of the scene that confronts us. I turn to it because it is the phase of our war problem that I know most about. That is our war with Japan.

If there is one thing a militaristic government fears, it is that its people may learn the truth. There has been in Japan for many years now the most rigid control over every medium of expression. All radio stations and programs are under government control. Books cannot be published until they have been registered with the authorities. Imported books and periodicals have been carefully scrutinized and refused admission if they contained anything that was thought to endanger belief in the mythology on which the Japanese have been raised or to encourage resistance to the militaristic rulers.

EDUCATION BY "THOUGHT CONTROL"

To understand how the Japanese people have been misled and misinformed, it is sufficient to look at two governmental activities—the control of the press with respect to war information, and the campaign for what the Japanese quite frankly label "thought control."

While it is true that the Japanese are a news-minded people and their newspapers—with regard to physical plant and circulation—quite unequaled in the Orient, they have been consistently misinformed. They have never been told the truth regarding their losses in China during the past twelve years, for their government has allowed only the smallest fraction of casualties to be announced. The Japanese Government has never admitted a real defeat in all its long course of conquest and aggression. It has described every defeat as

RETURN TO FREEDOM

"a withdrawal according to plan, after the achievement of planned objectives" *

Such deliberate misinformation reveals a fatal flaw in Japanese civilization—the fear of criticism. A government can remain healthy only so long as it is subjected to the criticism of its citizens. In Japan criticism of the state has always been dangerous. No other nation in modern times has witnessed so many political assassinations. And almost invariably the victims have been eminent men who dared to criticize the chauvinists.

Another reason for the rigid suppression of criticism is the myth of invincibility. The Japanese Army has encouraged the fiction that it is invincible. Perhaps the cultivation of such an attitude hides a basic fear, for it is the weak, not the strong, who dare not acknowledge failure.

Yet the people of Japan have not been entirely fooled by the refusal of their leaders to tell the truth about their losses. They have seen the return of the little white boxes containing the ashes of their dead. They have seen the maimed and wounded. They know that casualties have been far in excess of admitted losses.

Meanwhile they have been fed such a rich diet of alleged victories that victory has lost its savor. For twelve years they have had nothing but victories in their news—victories that have made many of them skeptical of the worth of victory. It was the realization of this skepticism which recently led the government to send back from the occupied territories token shipments of food or rubber or some other commodity in order to convince the people that some material benefit was accruing to them from the sacrifice of their fathers, husbands, and sons. Such a policy, however, has not satisfied the millions who depended upon foreign trade for their livelihood—the silk growers, the makers of rayon and pottery and a hundred other things for which Japan now has no market. Nor has it explained to the Japanese people why the China War,

* This was written before the Japanese acknowledgment of their defeat at Truk.

JAPAN AND AMERICA: AN INTERPRETATION

which the militarists promised to end within a few weeks, has dragged on for many years without a settlement.

No hint of Japan's massacre of Chinese civilians has been allowed to reach the Japanese people, so far as their censors have been able to prevent it. No word of the atrocities committed at Nanking appeared in Japanese newspapers. The strictest censorship was also exercised over outside sources that might have introduced the news into Japan. Magazines from America that exposed that horrible story were clipped before being sent on to subscribers.

When Japan suffered heavy naval losses in the Battle of Midway and other battles, the Japanese radio followed its usual formula and described the fight as a great victory for Japan. When Japanese forces landed on the Aleutian Islands, the operation was described as one which had put an end to America's hopes for resistance.

Yet far more serious than the withholding of all unfavorable military news is the ban on any information that might raise a doubt regarding the national mythology. Because they are taught that they descend from the gods, the Japanese are not allowed to know the scientific and historical truth of their racial origins. They are led to believe—and many do believe it—that they are different from all the rest of the world. A broadcast from Japan intended for Japanese ears announced, "Japan is a nation made by gods. Japan is a mother nation, and those who are born in Japan are born of God. We are the greatest people in the world."

They are regaled with such preposterous transformations of history as the following. "Ancient Japan ruled the Asiatic continent and handed down a great cultural tradition. . . . Japan performed tremendous historical accomplishments not only in China but also in India, Arabia, Central Asia, Siberia, etc., in the guise of Ural-Altaic or Indian peoples." This is comparable to the German claim that every great man in all history had a German streak in him somewhere; the Japanese are no more like the Indians than are we.

Such maunderings may seem to us so ridiculous as to be

RETURN TO FREEDOM

trivial. But they are not trivial. They have so poisoned the mind of a nation that only complete and final military defeat will convince the Japanese people of their falsehood. Fanaticism has been built up by crafty and calculating leaders with but one end in view—to make the Japanese people a fighting machine with no regard for individual rights or individual safety—and with only one thought: to fight on to death for the glory of the state.

The creation of this attitude has for the most part taken place within the last fifty years, although the Japanese have preached its ancient origins so persuasively that even in America we have come to believe that it is a thing of long standing. By careful supervision of all education and the means of communication, by strict police surveillance over every meeting and indeed over every individual, the leaders of Japan have within the short space of half a century built a powerful fighting machine upon the ignorance of their own people. Literacy has been encouraged, but only so far as to make the populace susceptible to a strictly controlled press and to the flood of nationalistic propaganda. Education has been made compulsory, but only to indoctrinate the youth of the land with the proposition that it is Japan's right to rule the world, and to train them in the arts of war.

Literacy and education have been not for truth, but for deception; not for freedom, but for slavery to the militaristic state; not for happiness, but for privation, not for the fostering of universal humanity, but for the doctrine of racial superiority.

Such a state can fear nothing more than that its people shall learn the truth. Such a state must, as Japan has done, imprison those who attempt political reforms, persecute those teachers who will not be bound by half truth or misinterpretation in science and history, suppress all news of defeat or loss of the armed forces, and attempt to ring the minds of the people within a charmed circle of fairy tales.

That all this has been done in so short a space of time gives us at least the hope that once Japan's leaders have been thor-

JAPAN AND AMERICA' AN INTERPRETATION

oughly defeated and discredited, an equal transformation in the interests of truth, and for the welfare of the Japanese as well as the world at large, may be brought about.

THE JAPANESE MIND AT WORK

A few years ago, while we were still in Tokyo, a British colleague of mine told me the following story. His Japanese chauffeur failed to turn up one morning and telephoned that he was ill. My colleague waited for several days and then, fearing that his chauffeur might be seriously ill, he and his wife called at the chauffeur's house to inquire and to express their sympathy—a gesture which in any Western country would be regarded as a considerate and entirely appropriate act. The chauffeur's wife appeared to be embarrassed by the call and merely murmured something to the effect that her husband was quite well. The next day my colleague saw his chauffeur driving the car of the minister of a foreign country. The Englishman sought out another Japanese who knew his chauffeur and inquired what the trouble was. The Japanese, to my colleague's astonishment, replied to the following effect: "Your chauffeur found a better position with a higher salary, but he knew that if he simply gave you notice in order to take the new position, it would cause you to lose face. He therefore very considerately merely told you that he was ill. If you had left things thus, all would have been well, but when you called at your chauffeur's house to ask about his health, the shoe was on the other foot; it was the chauffeur who lost face, and of course he is now very angry with you. There is nothing more to be done."

Is it surprising that we Westerners find difficulty in understanding the mentality and sense of logic of the Japanese? During my stay in Tokyo an American businessman who had lived in Japan for some forty years, representing a prominent American firm, was called home by his company for consultation. The president and vice presidents of the firm were gathered around the table. "Now, Mr. So-and-so," said the

RETURN TO FREEDOM

president, "please tell us what Japan is going to do." "I don't know," replied the agent. "What?" thundered the president, "After we have paid your salary for forty years to represent us in Japan, you have the face to tell us you don't know?" "No," said the agent, "I don't know. But ask any of the tourists, they'll tell you." That anecdote, which was confirmed to me a few days ago by the businessman under reference as substantially correct, is more significant than it may seem. Many Americans visit Japan for a few days or weeks or months and come home and write articles or books about the Japanese. But generally they haven't got to first base in understanding Japanese mentality. The Japanese dress like us and in many respects they live and act like us, especially in their modern business and industrial life. But they don't think as we do, and nothing can be more misleading than to try to measure by Western yardsticks the thinking processes and sense of rationality and logic of the average Japanese and his reaction to any given set of circumstances.

Now just a word on the war itself. There seems to me to be a general tendency to underestimate the difficulties, the length of time and the potential losses that we face in bringing Japan to eventual unconditional surrender. Overoptimism is not likely to further our steadily strengthening war effort, and I have conceived it as my own best contribution to our war effort to try to overcome in some small degree that dangerously complacent if not wishful thinking among our people. I have already spoken so often on this subject that I shall not try your patience by harping upon it tonight, but I think we all ought to bear in mind certain palpable facts, namely, that the Japanese are fanatical, do-or-die fighters and no mean fighters while still alive, that they control today tremendous areas with all the raw materials and all the native labor for processing those materials that any country could desire, that they are hard-working, pertinacious, foresighted, thorough and scientific in their methods. They will let no grass grow under their feet in rendering those farflung areas—

JAPAN AND AMERICA' AN INTERPRETATION

through the building of industries, war plants, and stock piles—so far as possible economically and militarily self-sustaining, against the day when by crippling their maritime transport system we shall have partially or wholly cut them off from their homeland. At a given moment, with defeat staring them in the face, their leaders are more than likely to try to get us into an inconclusive peace, but that is something that we must never under any circumstances be lured into accepting. The showdown must be complete and irrevocable if we are to avoid another war in the Pacific in the next generation.

To explain what has happened to Japan to make her the kind of country which attacked China both in 1931 and 1937 and the United States at Pearl Harbor in 1941 would require a deep delving into the mists of Japanese history and a tracing of Japanese philosophy all the way from the old Samurai code to the modern conception of the term *Hakko Ichiu*—*Eight corners under one roof*—and the recent coining of such grandiloquent slogans as *The new order in Greater East Asia*, *Japan the stabilizing force in East Asia*, the *Co-prosperity sphere*, the *Holy War* against China, and so forth. We have no time for that, but grouping these slogans together—I have often said that Japan rules by slogans—their interpretation is abundantly clear—that interpretation is quite simply the determination of the Japanese military caste to exert control, indeed to establish hegemony—economic, financial, social, and political hegemony—over all the countries in East Asia.

At the farewell luncheon given in Tokyo for Admiral Nomura before his departure to take up his post as ambassador to the United States, Mr. Matsuoka, the then Japanese foreign minister, practically threatened the United States with war and I immediately replied to the following effect. "The Minister too has lived long enough in the United States to know that the American people are fundamentally peace-minded and furthermore that they stand for justice and equity. He also knows that the American people are firmly determined on certain matters among which on the one

RETURN TO FREEDOM

hand are their obligations and on the other hand their rights. Their profoundest wish is to see peace, prosperity, security, stability, and happiness assured to all nations. In the present state of world affairs, we must inevitably realize that what counts in international relationships today is the concrete evidence of facts and actions, regardless of the persuasive garb in which such facts and actions may be dressed. Let us say of nations as of men: 'By their fruits ye shall know them.' "

It is in that "persuasive garb" that Japan has tried to cloak all of her aggressive and expansionist actions and intentions, and you will notice today how assiduously Japan tries to sugar-coat the pill by which she intends to reduce all of East Asia to vassaldom—just as she will sugar-coat the pill when she feels the time has come to try to inveigle us into an inconclusive and compromise peace. To some of those countries she has offered immediate independence, yet we know by past experience just how little that independence would be worth with so-called Japanese "advisers" controlling every national activity. A correspondent in North China writes to the *London Times*: "In the Central Hopei Campaign, shortly after any village was occupied, all the people were compelled to attend a meeting at which speeches were made saying that the Japanese are only fighting the communists and wish to help the people. However, at the end of such a meeting the Japanese usually seized several people and tortured them to find out where Chinese supplies or government workers were hidden." In Shanghai, even before Pearl Harbor, if a high-ranking Chinese official in rickshaw or motorcar passed an ordinary Japanese sentry, he had to get out and kowtow to that sentry as representing the emperor of Japan, otherwise he was hauled out and had his face slapped. American women in Tientsin were obliged when passing a sentry to take off their hats and bow or *their* faces were slapped. So much for brotherly love and the co-prosperity sphere. Japanese arrogance and brotherly love simply don't mix. Yet Japanese used to ask me quite seriously: "Why don't the Chinese love us?"

JAPAN AND AMERICA' AN INTERPRETATION

THE CULT OF MILITARISM

To return to the question "What has happened to Japan to make her the country she is today?" I have often referred to the aggressive military caste and cult in Japan as a cancer. The original cells of that cancer can be traced far back into Japanese history—to the Samurai traditions. We see that cancer gradually spreading throughout the past seventy years, generally one step at a time and then a period of consolidation and watchful waiting. By occupation, by treaty, or by force Japan acquired the control of the following foreign territory: 1874, the Loochoo Islands; 1875, the Southern Kurile Islands; 1876, the Bonin Islands, 1895, Formosa and the Pescadores; 1905, Sakhalin south of the 50th parallel; 1905, Port Arthur, the Kwantung Leased Territory, and the South Manchuria Railway, 1910, Korea; 1919, the Mandated Islands in the Pacific, 1931, Manchuria; 1933, Jehol, 1937, North China; 1939, Hainan and the Spratley Islands; 1940, French Indo-China; 1941, the greater part of all East Asia including islands in the southwest Pacific. The cancer at last had run wild, and there is no longer doubt as to the radical operation which we have been obliged to undertake and which we shall with grim determination follow through to its logical conclusion—the complete and permanent elimination of that cancer from the body politic of Japan so that Japan can never again threaten world peace.

Now a word as to how that military caste in Japan came into control of national policies. It has not always been in control. The political pendulum in Japan throughout history has swung between moderation and extremism. Liberal-minded and peace-seeking governments, even during the ten years of my stay in Tokyo, were able to come into power for a time—but only for a time—before they were pulled down by the political maneuvers of the extremists or by outright assassination. Two books, among the many that have been written on this general subject, I would recommend to you. *Government by Assassination*, by Hugh Byas, and *Japan's*

RETURN TO FREEDOM

Military Masters, by Hillis Lory. Both are sound presentations.

The crux of the matter is that the Japanese constitution and indeed the whole government structure have been manipulated by the military extremists to suit their own book, sometimes through imperial decree or ordinance, sometimes through strong-arm methods which have reduced various government institutions to mere rubber stamps. For instance, the Japanese army and navy have secured a position by which they are able to exert effective control of the cabinet. The war and navy ministers are members of the cabinet but they have the privilege of reporting not to the cabinet or to the prime minister but directly to the emperor over the heads of both premier and cabinet. It is highly doubtful, from available evidence, whether the cabinet was consulted or was even aware of the decision of the army to invade Manchuria in 1931, and I personally do not believe that the cabinet was aware of the plan to attack Pearl Harbor on December 7, 1941. This point is not now subject to confirmation. I merely know that when I saw Mr. Togo, the Japanese Foreign Minister, at about midnight on December 7, some three hours before Pearl Harbor, our conversation and his attitude have left with me the impression that he did not then know of the plan. Indeed, I very much doubt if the high command would have taken the cabinet into its confidence and would have imparted its secret to any civilians. As I have said, however, this point is not now subject to confirmation and it is not of prime importance.

Another way in which the military have exerted control of the government is by refusing to appoint a war or a navy minister to any cabinet which the army or navy did not like, thus preventing the official formation of that cabinet. A few years before Pearl Harbor the Emperor selected General Ugaki to form a government. Ugaki was an excellent soldier but his leanings were too much on the liberal side to please the extremists. The army simply refused to nominate an officer as minister of war, and after five days of effort, Ugaki

JAPAN AND AMERICA. AN INTERPRETATION

had to report to the Emperor that he had failed. A prime minister satisfactory to the army was then appointed. Incidentally, Ugaki announced publicly that he would never again wear Japanese military uniform as long as he lived. This indeed is one of the paradoxes, among many paradoxes, in Japan. The emperor is regarded as quasi-divine and all of his subjects are supposed to be body and soul in his service, yet his military subjects do not hesitate freely to thwart his wishes if their own wishes run counter thereto.

Two further ways in which the military exert authority over the government lie in their virtual control of the ultimate decisions of the diet and of the budget and in their dominance over the judges and courts of law. In the diet, in times past, a certain amount of leeway has been given the members to interpellate, expostulate, and criticize, but always in the end in recent times the military have had their way. As for the courts of law, the military police, through the procurators, decide whether a prisoner shall be convicted or acquitted, regardless of the evidence, they determine the nature of the sentence to be imposed, and the judges act accordingly—or else.

AFTER THE WAR—WHAT?

Not long after one of my talks somewhere in the South, after I had tried to paint a fair and carefully balanced picture of the Japanese people as I know them, a prominent businessman with whom I had discussed the subject at dinner came up to me and said: "That was a very interesting talk you gave tonight." I said, "Thank you." "But," he added, "you haven't changed my opinion in the slightest. The only good Jap is a dead Jap." I asked "Have you ever lived in Japan?" "No," he replied, "but I know that they are all a barbarous, tricky, brutal mass that we can have no truck with, ever again." That sort of attitude I have frequently encountered. It is widespread in our country, and through the force of public opinion it can have a serious influence against an intelligent and

RETURN TO FREEDOM

practical solution of some of the complicated problems we shall have to face in the Far East when the war is over through the destruction of Japan's military machine.

You can't live among a people for ten years without coming to know them—all classes of them—fairly well. Heaven knows that I should be the last person in our country to hold a brief for any Japanese, for not only have I closely watched that cancer of Japanese aggressive militarism, chauvinism, truculence, vaingloriousness, and overweening ambition grow throughout those ten years, but I have known by firsthand intimate reports of the medieval barbarity of those militarists. the rape of Nanking, which will forever and ineradicably stain Japan's escutcheon in the records of history; the utterly ruthless destruction by bombing of innocent and undefended cities, towns, and villages in China and of our own religious missions throughout China—for the purpose of stamping out American interests and Christianity from all of East Asia—and finally the indescribable treatment inflicted alike upon helpless Chinese, British, and Canadian prisoners of war and upon many of our own American citizens subsequent to Pearl Harbor. Those things one can never forget or ever forgive. The guilty will in due course be brought to the bar of justice and duly punished, but no punishment under our civilized code can ever repay what has been wrought or wipe out the memory of those utterly barbarous crimes. It would be very easy for me, with my background of many days of bitter experience and many sleepless nights of bitter memory, to assimilate my own thinking with that of the mass of our compatriots who can see no good among the Japanese.

Throughout those ten years I was in touch with people in Japan from the highest to the lowest, from the Emperor and his statesmen to the servants in our house, the academic world, the businessmen, the professionals, the tradespeople, and the gardeners on our place. I was never taken in by the often expressed opinion that a great mass of liberal thought in Japan was just beneath the surface, ready, with a little encouragement from the United States, to emerge and to take

JAPAN AND AMERICA. AN INTERPRETATION

control I knew the power of the strangle hold of the militarists, only awaiting the day when they should find the moment ripe to put into operation their dreams of world conquest. But I also knew that many of the highest statesmen of Japan were laboring earnestly but futilely to control the military in order to avoid war with the United States and Great Britain, and I did know that many of the rank and file of the Japanese people were simply like sheep, helplessly following where they were led.

There is no extenuation implied in that statement. It is simply a statement of fact. There of course arises the question as to what effect the impact of the war and the inculcation by the military leaders of the doctrine of hatred against the democracies may have altered the attitude and thinking of the rank and file of the people of Japan since Pearl Harbor. That question cannot with certainty be answered, especially in view of the activities of the "thought control" section of the Japanese police who are always searching out what they call "dangerous thoughts." Those in Japan who deplore the war and who cherish no inherent hatred against the white man must be and are inarticulate. Besides, all Japanese are fundamentally loyal to the Emperor at least in spirit, and since the Emperor after the militarist *fait accompli* of Pearl Harbor was obliged, willy-nilly, to sign an Imperial Rescript declaring war and calling for the destruction of the United States and Great Britain, very few Japanese would allow their thoughts to run counter to that edict. The Japanese people, under the Emperor, are unquestionably more united in thought and spirit than are the Germans under Hitler.

One little story, not important, perhaps, but still significant. During the early stages of the war, while we in the embassy were still interned in Tokyo, the Japanese military police occasionally arranged demonstrations in front of our embassy, and on the day of the fall of Singapore, while Tokyo was celebrating with processions and brass bands, the police gathered several hundred Japanese—from the streets, the shops, and the homes—and brought them down to the

RETURN TO FREEDOM

square in front of our office to demonstrate. They pressed close to the bars of the embassy fence behind which we were caged, waving Japanese flags and howling like a pack of angry wolves. "Down with the United States," they shouted. It was a really terrifying sight and for a moment I almost feared that they might get over the wall and run amok in the embassy compound.

At the height of this demonstration a member of my staff, who was standing on a balcony overlooking that howling pack of wolves, pulled out his pocket handkerchief and cheerfully waved it at the demonstrators. The Japanese were of course astonished at this unexpected gesture. Their jaws fell open in surprise and for a moment they ceased their howling. But the member of my staff kept right on, blithely waving his handkerchief. And then, wonder of wonders, those Japanese laughed and pulled out *their* handkerchiefs and waved back in most friendly spirit. The police of course were furious; they dashed around trying to stop the unexpected form their carefully regimented hostile demonstration had taken, but nothing could be done, and that whole pack of erstwhile snarling wolves went off up the street, still heartily laughing.

I submit that little anecdote merely by way of concrete evidence to support my belief, indeed my knowledge, that the Japanese people as a whole are somewhat like sheep, easily led and malleable under the impact of new circumstances and new direction. They have followed false gods. They have been and are helpless and inarticulate under their gangster leadership. And when once the false philosophy of those leaders comes back to the Japanese people in defeat, humiliation, and bitter loss, they themselves, I confidently believe, will be their own liberators from the illusion that military gangsterism pays.

It is my belief—a belief not subject to proof but based on my long experience among the Japanese people—that when once the Japanese military machine—that machine which the Japanese people have been told is undefeatable, having never yet lost a war and being allegedly protected by their sun god-

JAPAN AND AMERICA: AN INTERPRETATION

ness and by the "august virtues" of the emperor—has been defeated, largely destroyed, and rendered impotent to fight further, it will lose one of the most important of oriental assets, namely "face," and will become discredited throughout the length and breadth of the land. It is furthermore my belief that if at the time of the eventual armistice or at the eventual peace table, while putting into effect every measure necessary effectively to prevent that cancer of militarism from digging underground with the intention of secretly building itself up again as it did in Germany, we offer the Japanese people hope for the future, many elements of the rank and file of the Japanese will give a sigh of relief that the war is over and will—perhaps sullenly at first but not the less effectively—co-operate with us in building a new and healthy edifice. This concept also is not subject to proof, but from my knowledge of the Japanese it seems to me to be a fair postulate.

The Japanese people have suffered acutely, they are going to suffer a great deal more acutely for a long time to come. They will see their shipping destroyed and their cities bombed, they will lack adequate food and fuel and clothing, their standard of living will steadily deteriorate, their military police will outdo the Gestapo in cruelties, and when the reckoning comes, the Japanese people will learn of the preposterous lies and of the baseless claims of continual victories over their enemies with which they are daily fed by their military leaders. Even their hardened fanaticism—even their last ditch, do-or-die philosophy—can hardly withstand such an impact. I saw obvious signs of weariness of war among the Japanese people even during the unsuccessful campaign against heroic China between 1937 and 1941. How much greater will that weariness of war become in the years ahead!

RETURN TO FREEDOM

EDUCATION FOR PEACE

Not long ago we passed an anniversary of solemn and significant memory—the Armistice of 1918. How well I remember that day in Paris! Guns booming, bells pealing, the people of Paris in the streets singing and dancing, laughing and weeping. The war to end wars was over. Thenceforth we were to emerge from battle to a bright new world, a world of peace on earth, good will toward men. And then, what happened? We in America and people elsewhere quite simply got into bed and pulled the covers over our heads, unwilling to see what was going on about us, asleep to actualities. And now, once again the world is drenched in blood.

Shall we make that grim mistake again? I do not believe so. Human nature may not change much through the ages, but at least mankind learns something from experience, and I believe that we in our country have learned that in this modern world of ours—in which the nations, through developments in communications and transport, have been drawn into inevitable intimacy—isolation has become an anachronism. We cannot kill the seeds of war, for they are buried deep in human nature. But what we can do and I am convinced we shall do is precisely what we did in permanently stamping out yellow fever from our country—remove the conditions under which those seeds of war can germinate anywhere in the world. It can be done and it must be done.

The guilty leaders among our enemies and those individuals responsible for the barbarous acts of crime and senseless cruelties that have been committed under the cloak of war must and shall be punished, and just retribution must and shall be meted out to the enemy countries so that the people of those countries shall be forever cured of the illusion that aggression pays. Their false philosophy can never be discredited until the results are brought home to them in defeat, humiliation, and bitter loss. Measures must and shall be taken to prevent that cancer of aggressive militarism from digging in underground once again to rear itself in malignant

JAPAN AND AMERICA: AN INTERPRETATION

evil and once again to overrun the world, calling upon our sons and grandsons to fight this dreadful war over again in the next generation. Let us assure our defenders on the battle fronts that this time their heroism shall forever finish the job begun in 1914.

But those self-evident measures will not be enough. In approaching the eventual peace tables, we shall need the highest qualities of far-sighted statesmanship. We must abandon all promptings of vindictiveness or of pride and prejudice.

First we must clear away the poisonous growth in order to lay the foundations for the erection of an invulnerable and enduring world edifice. Two great cornerstones for that foundation have already been swung into place. One was the Atlantic Charter; the second was the Moscow agreement supplemented and strengthened by the declarations of Cairo and Teheran. Others will follow.

And then we must build. Re-education in certain areas will become essential. I visualize a helpful, co-operative, common sense spirit in conducting that system of re-education, devoid of browbeating or vindictiveness, with emphasis upon what our enemies will have to gain by playing the game with the rest of the world, and what they would lose by recalcitrance. The healthy growth must ultimately come from within. When our enemies find that in co-operation lies their only hope of salvation, they will co-operate. Weariness of the sufferings of war will work in our favor. We do not want festering sores anywhere in our future world for the building of which we and our allies are fighting and striving today. We do not want the nursing of grudges, rebelliousness and bitterness. We want the people of the world, including our present enemies, to look forward, not back, and to look forward not to the day when they can achieve revenge but forward to a peaceful, lawful, co-operative, solvent, productive, and prosperous national and international life, purged forever of the poison of aggressive militarism. That should be our aim. That should be the ultimate goal of far-sighted statesmanship, and that should be the guiding spirit at the peace tables. We shall

RETURN TO FREEDOM

need the wisdom of Solomon in approaching those eventual problems. Pray God that we may find it.

Thus may our defenders on the battle lines know that they are not fighting or dying in vain. Thus may they know that we on the home front are not only with grim determination supporting them through the war until total victory is achieved, but that we pledge to them our inexorable resolve to carry that support into the postwar world where the final monument to their heroism shall be the creation of a permanent international structure based on the principles of law, truth, liberty, justice, and peace.

And now, before closing, I wish to submit a letter. You may perhaps have read it already because it was published in *The Reader's Digest* and in the *National News-Letter* of Toronto about a year ago, but it cannot be read too often, and I only wish that every man, woman, and child in our country could know it by heart. It is called "Testament of Youth" and it is a letter from a United States naval flier, missing since the Battle of Midway, to a friend at home:

The Fates have been kind to me When you hear people saying harsh things about American youth, you will know how wrong they all are So many times that now they have become commonplace, I've seen incidents that make me know that we were never soft, never weak

Many of my friends are now dead To a man, each died with a nonchalance that each would have denied was courage, but simply called a lack of fear and forgot the triumph If anything great or good has been born of this war, it should be valued in the youth of our country, who were never trained for war, who almost never believed in war, but who have, from some hidden source, brought forth a gallantry which is homespun, it is so real

Out here between the spaceless sea and sky, American youth has found itself, and given of itself, so that a spark may catch, burst into flame, and burn high If our country takes these sacrifices with indifference it will be the cruelest ingratitude the world has ever known

You will, I know, do all in your power to help others keep the

JAPAN AND AMERICA: AN INTERPRETATION

faith My luck can't last much longer But the flame goes on
and only that is important

Boys of Lawrenceville School, that flame is going to be
confided into your hands Make yourselves, daily and hourly
at your school, more worthy to receive it so that you may tend
it with inspired devotion and so that, in your lifetimes, it will
illuminate our future world.

Dixon Wecter

AMONG the younger historians of our manners and civilization, none has established himself more authentically than Dixon Wecter. This essay, delivered as an address to students still in the period of their secondary school training in the spring of 1944, makes assumptions which seemed to the hearers not only reasonable and acceptable, but convincingly true. In fact, they would not have judged it fitting had the writer reached conclusions other than those he did: that creative citizenship, religious and social conscience, political intelligence have been our birth-right, that they have not been lost, and that they are worth whatever price is necessary to preserve them and the free institutions which foster their survival. These things youth understands today. "A few civilians," Wecter remarks near the conclusion, "who suppose that these boys as a class are looking for an easy berth or safe anchorage, ought to talk to them, as I do in teaching ASTP classes, to find that impatience, to get through this routine and go on active duty, is always the dominant mood."

As these remarks, in their context, reach a wider public—and an older one—by way of the printed page, there will be those whose memory begins to work. Very, very many of them will already be older in understanding than in years. They will remember that less than four years ago so perceptive an analyst as Raymond Swing could write, factually enough, in *The Nation*. "There is a great deal of talk these days, particularly among young people, about what they are not willing to die for."

Loss of peace has helped to restore personal validity. The

DIXON WECTER

pattern for living that is forthwith suggested is an affirmation which the older members of the youthful generation will respond to because their action in our time has given them, if they but speak, the decisive voice in shaping things to come.

T. H. J

EDUCATION AND THE SOLDIER'S RETURN

by *Dixon Wecter*

I

THE student soldier, who "left the flowing river, the cricket field, the quad," at the bugle's sound, often finds the armed forces themselves to be gigantic educational workshops. Training for war is immensely complicated since the days of Lexington and Concord, train-band and militia, the conversion of civilian into soldier is much harder than the act of reaching for the old squirrel gun over the mantel. The student soldier, put into uniform, is frequently sent right back where he started from, for officer's training. Furthermore, since the rise of mechanized war, he is compelled to learn about mathematics and physics, machines and technics, in fields that bear an obvious relation to peacetime skills. Also useful to peace are habits of co-operation and leadership taught in the service.

More subtle is the educative effect of contact with the military mind. That mind is incisive, by civilian standards somewhat rigid. It sees the world in terms of black and white: a gun is either perfectly clean or else dirty enough to merit a tongue-lashing, a soldier is either fit for combat or else for the hospital, the method of doing anything, from writing a report to splicing wire, is either right or wrong. To easy-going haphazard youth—a little spoiled at home, coddled by the building-blocks of progressive education, coaxed like a tender vegetable to expand in the sunshine of self-expression—such discipline is salutary. From some quarters, fear is always expressed that the army will sap initiative and make us a nation of obedient automata. The debate is not always merely theoretical. *The Nation*, in October, 1866, in oppos-

EDUCATION AND THE SOLDIER'S RETURN

ing the soldier's right to vote, insisted that army life hardens men into a caste, implanting a love of action and contempt for slowness of civilian law, giving them little time to read and make up their minds, and nourishing a blind obedience to authority and the administration in power. This assumption is mostly bosh. Among such born individualists as the Americans (of whom Steuben wrote, from the drill ground at Valley Forge, "The genius of this people is such that one must first explain, then give the order"), only a war lasting through a generation could mold mass obedience into habit. Moreover, increasingly under modern battle conditions, in the air, on the beaches, and in the jungle, every soldier must become in a literal sense the captain of his soul, behaving not by stereotype but according to the lights of trained judgment.

Other effects of the service are plain enough. Companionship with messmates recruited from many social, economic, racial, and regional groups ought to free one from some encrusted prejudices of his old life, far travel and exposure to new languages and customs to make him less provincial. For two million young Americans, Europe first became a reality in 1917-19, today five million have seen much more than *Paree*, from the South Seas to the Arctic Circle, with effects that are not yet wholly predictable. Most will come back with the conviction that other lands are backward because they lack American plumbing and the latest (at least the 1941) model motor cars. Whether, in the larger view, they will return more internationally minded will depend upon several things—not the least being the army's success or failure in stimulating the lad in uniform to think with social and political intelligence, to take keener interest in the world he is fighting for.

And finally, as the most sobering element in this education for war, one must consider the soldier's training under the grim alternative of killing or being killed. The soldier under battle fire has been magnetized like a piece of steel by the most powerful dynamic of all groups-in-action, and his molec-

RETURN TO FREEDOM

ular nature will never be quite the same again. Idealists will expect him to return, deeply purified and spiritualized by his experience, with the vision swiftly to transform his country into a Utopia, "a country fit for heroes to live in" Cynics will prophesy that he has become a killer—that, from having been taught to shoot the enemy he will come home and shoot his neighbor. Both of these extremes, in the past, have hardly been justified by the facts. The soldier is likely to emerge with the virtues and vices of his old life, perhaps accentuated by the service. For war, like every mass ordeal, is apt to bring out and nourish the best and the worst. In the aftermath of war has disclosed no such viciousness as the universal brigandage that followed the Thirty Years' War, the beggars and thieves left by the Napoleonic ebb. By and large, the inevitable newspaper talk about a crime wave in the backwash of demobilization (greatly inspired by the journalist's need to fill the vacuum of war news by attention to domestic crime) turns out to be exaggerated and distorted. Its kernel of truth is usually found to consist of crimes against property, the result of unemployment and no less chargeable to society than to the veteran. Homicide plays an almost negligible role. Worth considering, as an average soldier's own appraisal of war's effect upon him, are the words of a buck private—an anonymous undistinguished soldier—in Camp Hospital No. 33 at Brest, in 1919, printed in a little book called *Home—Then What?* He says "To live with Death for days at a time, to meet him, to just miss him, to have him take your buddy—how can you tell them 'As You Were' after they've lived with Death? . . . Most of us are hardened to endure, softened to respond" Here at least is the social ideal framing the soldier's return.

II

The soldier's education for death has always, to a degree, erased many of his plans, severed some of the threads that tie

EDUCATION AND THE SOLDIER'S RETURN

him to normal life, made him perhaps more ready to accept the turn of the dice. When fate gives him back his old life, his first mood is likely to be one of sheer relief at survival, "Look! we have come through." Then he begins to think of home, his girl, familiar ways and habits, and the compelling necessity of earning a livelihood. "Where do we go from here?" he begins to ask. After discharge, with the maturity gained from military service, the veteran generally wishes nothing more than to resume his place in the civil order. Soldiering as a profession has only a very limited appeal to the average American. And, having enlisted or been drafted in late 'teens or early twenties—picked for his adaptability to war—by the same token he will come back still a young man, generally adaptable to peace. Frequently he feels the need for more training, more skill, more of the inherited wisdom crystallized in books. I think of two typical attitudes, expressed again and again in several thousand soldiers' letters written in earlier wars that I happen to have read. One from a nineteen-year-old corporal in the First Iowa Cavalry, who in sending home five dollars to his sisters in October, 1862, writes "If you have no use for it, I will use it to go to school, for I am resolved to devote some time to my education if I survive this war"—a hope frustrated by his death a few months later. The second from a doughboy in France, in January, 1919 "The world's miseries are mostly due to ignorance, which, like mustard gas, makes a casualty of a man without his knowing it till too late." I should like to say something about the way in which the veteran sought his education after the three major wars in our past—the Revolution, Civil War, and World War I—within the larger framework of schools and colleges as affected by those conflicts.

The Revolution, spanning the eight years from Lexington to the disbandment in 1783, was our longest war. To those serving from start to finish ("end of the war men," they were called), bearing arms probably came to seem the whole duty of man. It was his business, sport, and solace. A member of

RETURN TO FREEDOM

the Continental Congress, Samuel Osgood, writing to General Knox on the eve of peace, remarked that while long years in uniform gravely unfitted a man for resuming his old life, a law of diminishing damage appeared to favor the short-term veteran: "I esteem eight to be much more than four times two, in this view of the matter." Unhappily the continental soldier had learned few if any vocational crafts that would serve him in the years ahead. The manual of arms, taught by Steuben and other drillmasters, had little more usefulness in daily life than knowing how to foot some intricate forgotten dance step. Of course a gunsmith, blacksmith, or carpenter in uniform probably had abundant opportunity to keep his hand in, but for learning new trades no provision was made. Nevertheless, in many young soldiers the passion for self-improvement burned bright. In the slow tempo of war in those days, notably when both sides retired into winter quarters, few with the inclination lacked time to study. Reading law, studying surveying, assisting the camp surgeon and learning the lore of apothecary were possible resources. At the humbler level were lads like a Massachusetts diarist named Elijah Fisher, who had joined the colors at sixteen, just after Lexington. Between marches and battles, with a peculiarly Yankee tenacity, he kept practicing away "Riting and sifeing . . . every evening from six of the Clock till nine," and when quartered in a church at Fishkill improved the time by copying out "the larger Caticism." At the end of the war, he found himself a man grown, with little chance to gain the elementary schooling of which he stood in need. Moreover, a glut of unskilled labor in the path of demobilization set him to tramping the streets and environs of Boston in a vain search for work. Undiscouraged, he migrated to Maine, made a start in that newer land by carpentry and farming, began to save a little money, and took a wife. His last diary entry, in February, 1785, finds him still manfully if slowly pursuing an education. "I gos to school and followed it pritty suddy while it cept."

The Revolution, as a civil war and a long one, wrought

EDUCATION AND THE SOLDIER'S RETURN

havoc with schools, colleges, and libraries. Teachers enlisted, school funds were diverted to military ends, taxation consequent to the war bred poverty; the general interest in culture waned. Harvard College buildings served as army barracks. A number of Yale tutors, scattered over Connecticut from Wethersfield to Glastonbury, kept up the work of instruction as best they could, with President Daggett visiting "the different classes as often as he could with convenience." At Princeton, Nassau Hall was badly damaged in the Trenton campaign, the scientific apparatus and the library were dissipated, later the college was used for both barracks and hospital. In Virginia, William and Mary gave unwilling hospitality to Cornwallis's headquarters, while its president, James Madison the elder, served as captain of a militia company he had organized among his students. Many schools closed their doors in bankruptcy, had their books pillaged, or were reduced to "nakedness and want." To counterbalance this dark state of affairs, John Phillips of Exeter in 1781 endowed Phillips Exeter Academy, and as war yielded to victorious peace, with the stirring energies of a new nation, other schools, seminaries, and colleges began to sprout. To the nine colleges boasted by this country at the start of the Revolution, not a single addition had been made during the struggle, but in the eight years following Yorktown not less than eight new ones sprang up. More private schools arose, and states like Vermont and Georgia pioneered early in the eighties by setting up common school systems. Independence had two important results, educationally speaking. The religious and aristocratic theory of education in colonial days rapidly gave ground before the march of secular democratic schooling. Lacking universal literacy, how could government by the people succeed? asked Jefferson and others. In the second place, a new accent fell upon practical, scientific, and medical studies, strikingly at institutions like Harvard, Columbia, and Pennsylvania. Judge Tapping Reeve in 1784, in his famous law school at Litchfield, Connecticut, began to train his students by the moot court

RETURN TO FREEDOM

method. Jefferson fostered a change at his alma mater at Williamsburg, by which chairs in law and modern languages supplanted those in classics and divinity. Harvard in 1782 allowed lower-classmen to substitute French for Hebrew—the tongue of our earthly ally for that of the prophets' God of thunder. In fact, a certain utilitarian knack inseparable from war, the bent toward self-reliance taught by soldiering, a lowbrow temper characteristic of postwar moods, lingered in the air. "In these times of action," wrote Dr. David Ramsay, first historian of the Revolution, in 1789, "classical education was found of less service than good natural parts, guided by common sense and sound judgment." Just how many veterans of the Revolution entered academies and colleges after disbandment is impossible to say. In relation to the whole, this number was probably much smaller than after later wars. One was expected to earn a living at an earlier age then than now; suitable institutions were fewer, and education beyond the three R's was more definitely a class privilege than it later became, and the opportunity, indeed the demand, for youthful enterprise in this underpopulated country was keener than the competition for jobs. In broader ways, of course, the war had contributed to adult education. Besides the impact of travel and fraternization in the army, already noted, war's stimulus had almost tripled the number of newspapers, and the duties of citizenship, from holding of local offices to high debate over the Constitution (in which many veterans took their share), helped augment the civic stature of Americans.

From Yorktown to Fort Sumter, eighty years witnessed many changes in the schools and colleges of America. a flowering of notable preparatory schools, such as this institution, the rise of state universities with or without the benefit of land grants, a steady growth of denominational colleges; and the spread of free public schools supported by taxation. At the outset, this new war—the irrepressible conflict whose storm had long been brewing—seemed the one transcendent fact. "Wait until you have saved your country

EDUCATION AND THE SOLDIER'S RETURN

before you make preachers and scholars," Colonel Chesnut of South Carolina told a group of divinity students asking exemption from the Confederate draft "When you have a country, there will be no lack of divines, students, scholars to adorn and purify it." Northern colleges, in the Middle West even more than in New England, sent their students, recent graduates, younger faculty members into uniform in numbers far out of proportion to enlistments from other groups. Whole companies were sometimes recruited campus by campus. Before the war had reached mid-passage, some five thousand Ohio teachers—half the entire number in that state—had donned the Blue But, despite these enlistments, higher education did not remain stagnant. In the thick of the war, with much aid from the inevitable wartime stress on practicality, the Morrill Act of 1862 was passed, creating land-grant colleges for agriculture and mechanic arts. This Act prepared the way for the real beginning, directly after Appomattox, of technological education in the United States. Thousands of returning soldiers, many lacking orthodox preparation for college, wanted professional training, feeling impatient with so-called frills in their anxiety to start earning a livelihood with a minimum of lost time. As passing symptoms, in the summer of 1866 the board of visitors at Annapolis advised the abandonment of rhetoric and ethics and analytical geometry as prescribed diet for midshipmen, and "the subordination of mechanics and physics to steam enginery," while from Columbia, President Barnard's annual report echoed "the declining popularity of collegiate education" under the inroads of mechanic arts. Business colleges with evening classes now began to appear and probably drew many ambitious young veterans. Equally symptomatic of the times, at the great Paris Exposition of the next year the American Exhibit was reported "the poorest looking" because it took no account of taste and elegance—although the highest awards went to American firearms, steam engines, sewing machines, and even pianos. We may not have known much about music, but we knew how to

RETURN TO FREEDOM

build pianos. Ours was already beginning to be called a business civilization, the paradise of machines. To this end, of course, many causes contributed, but among them the discharged serviceman and his need for a quick practical education should not be forgotten.

Among the minority of thoughtful soldiers, the impetus of war had quickened intellectual curiosity, shaken them out of old complacencies. Perhaps the very act of surrendering free will, of marching in lockstep, had built up a charge of inner rebellion. One Kansas private whose recollections I have seen, a self-taught lad who found work after the war clerking in the quartermaster general's office, in spare time began to read books about Darwin and the monkeys—feeling that after a war where so many lies had been told, a man ought to find out things for himself—and so with friends formed a Herbert Spencer club for Sunday afternoon talks. Young Charles Francis Adams, a colonel in the Union Army, very soon after discharge came upon John Stuart Mill's essay on Comte. "My intellectual faculties had then been lying fallow for nearly four years," he wrote, "and I was in a most recipient condition, and that essay of Mill's revolutionized in a single morning my whole mental attitude." Fairly often, it seems, the soldier had been left with a thirst that made him eager to go back to school, do some hard thinking, try to solve the problems of life for himself. With conventional belief, idle speculation, bookishness for its own sake, and the dazzle of rhetoric, the soldier who had returned from the Valley of the Shadow was apt to grow impatient. Oliver Wendell Holmes, the future Supreme Court Justice, after wounds in three hard battles, mustered out, with few plans beyond the conviction that in some public service he must find a foothold where he could always fight for justice and truth, went out to Concord to visit his revered master Emerson—and discovered, with surprise, that the sage's transcendental talk had somehow lost its magic. Mr. Emerson had read about death, speculated about life. But the threshold of reality he had never crossed.

EDUCATION AND THE SOLDIER'S RETURN

By selection of evidence, one might exaggerate either the lowbrow practicality or else the highbrow rebellious individualism left on the soldier by his service. For, in contrast to these cases cited, thousands of young veterans quietly returned to liberal arts colleges all over the nation and resumed the usual studies interrupted by war. Even before the peak of demobilization, in late June, 1865, throngs of students "who went to the wars but did not forget their love of books," were reported flocking back to the midwest colleges, after Vicksburg, Gettysburg, and Andersonville, "made clearer-headed by their experience of soldiering." Save for occasional conversion into barracks and hospitals, the physical fabric of the Northern colleges had been little used in the war effort, officers' training programs in the collegiate sense being unknown. After the war a great renaissance of education set in. With the slave freed and the Union saved, much of the moral energy, idealism, and treasure that had flowed into those channels now turned toward education, both collegiate and common school, alike for white and black. Once more, the widened arc of American citizenship meant responsibility for the schools, as both North and South came to recognize. Southern schools had been deeply impoverished by the war—their funds from endowment and taxes gone, their buildings gone to wrack from neglect or military occupation, or else destroyed outright. Many Confederate officers, with special training in mathematics, physics, engineering, and other fields that had proved vital during the war, laid aside their swords and joined the re-assembling staffs of universities like Virginia, South Carolina, and Georgia. The South's greatest soldier, General Lee, became president of Washington College, attracting to that campus numerous veterans of the Gray. Many were poor, hard-working, caring little for dress or social gaiety. Often they still wore their army beards, and called classmates who had been too young for the army "yearlings." Here and in the North, diaries of veterans going back to school speak almost invariably of the initial handicap how the distractions and excitement of army life made

RETURN TO FREEDOM

study habits hard at first, driving from their minds the tamer routine of classroom and blackboard, even betraying them to a kind of panic when called upon to recite. Perseverance alone could work a cure. Other lads in their twenties, stepping down from the eminence of staff officers, surrounded by orderlies and subalterns, found it hard to submit to the routine, drudgery, and menial labor expected of poor boys with unfinished educations—waiting on tables, building fires, or sweeping out offices where they read for admission to the bar. In the longer view, however, they were prone to decide that such a tardy apprenticeship to civil life had done no harm in aiding the reconversion upon which their future happiness and personal adjustment pivoted.

In the half-century between Appomattox and World War I, education in this country took many strides—respecting universal literacy, instruction in science and technology, flexible elective systems, and the evolution of colleges and universities growing steadily bigger and more ambitious. As the last war ran its course, free education was seen to be one of the most beneficent things Uncle Sam could give the returning soldier. Farms for soldiers had become a bankrupt legend with closing of the frontier, bonuses and pensions still remained but were expendable. What of education? Many argued that the man in uniform, risking his life for a dollar a day, while others profited by high wages, deserved help in refitting himself for civil life. Others pointed to the 120,000 illiterates among the AEF, including immigrants unable to read and write English. The presence of some 47,000 ex-teachers in uniform overseas made this condition seem curable. Native-born illiterates, from farms and backwoods and the hill country, appeared an even greater reproach to us. The most famous soldier in the AEF, Sergeant York, from the Three Forks of the Wolf, resolved to go home to Tennessee and work for better schools and roads among his people, "to bring them a heap o' larnin'." Many boys had left school and college for the army, and were scantily equipped for vocations, others needed refresher courses. And

EDUCATION AND THE SOLDIER'S RETURN

so, in the post-Armistice winter—a winter of discontent for the two million Americans awaiting repatriation—the Army Educational Commission launched the biggest experiment in adult education ever attempted. Its director was Professor John Erskine of Columbia. Post schools taught elementary subjects to some 180,000 men; divisional centers taught high school and vocational courses to about 27,000. More than 22,000 at college level brought the total close to 230,000 men in organized schools. Inclusion of field institutes and extension courses swelled the number to well over a million and a half. College men were either admitted to French and British universities for about a four months' term, or else attended the AEF's own university at Beaune or its agricultural college at Allerey. In these latter places, mimeographed textbooks, laboratories, and scientific equipment from camouflage- and machine-shops and drug rooms were improvised swiftly, with lecture staffs assembled from the best brains academic and professional in the AEF. General results were good. A sprinkling of light shell-shock cases benefited from the retraining in application and memory, while the great majority of normal men, matured by the war and its cosmopolitan background, ambitious to make the most of their chances, did well. Mr. Erskine remarked years later that overseas experience seemed to have exhilarated them; they had not yet come home to meet the civilian spirit of disillusioned apathy or to face realities like profiteering and unemployment. In June, 1919, with the end of embarkation in sight, these institutions closed their doors.

A flood of new and returning students almost swamped American colleges and universities beginning in September, 1919, by the next autumn, on some campuses enrollment showed a 300 per cent advance over 1917. "A very great earnestness among these ex-servicemen... the percentage of failure among them is negligible," reported the secretary of the Wisconsin State Board of Education. A professor who taught many of them at Iowa State University recalls that they usually sat together, on the front or the back row, quiet,

RETURN TO FREEDOM

well-behaved, respectful of authority (prone, as the custom is in preparatory schools and the service, to address their preceptors as "sir"), and more thoughtful than those whom they called "the kids"—under that sense of seniority always implanted by soldiering. Veterans with disabilities incurred in uniform rated financial help, averaging over \$100 a month, from the Federal Board. Shell shock and neurasthenia became, for the first time, occasional classroom problems. Many conquered war psychosis, but a few gave up in despair, like one ex-aviator who left college after a few months, explaining to a friend "No use, I can't study—planes are always flying in my head." Sometimes an honor student of prewar days, unable to set his mind on the old track, slunked out of college or gave up his graduate studies and went to work selling bonds or stoves, or tried the open-air cure as farmer or ranchman. On the whole, these proved to be the exceptions. Uninjured men had to shift for themselves at demobilization in gaining more education, save for occasional state aid. Many bright but underprivileged boys, who might never have gone to college, in the S A T C. had gained ambition to win a degree, after Uncle Sam dismissed them abruptly in December, 1918, many returned, to work their way by carrying paper routes, mowing lawns, milking the dean's cow, running boarding houses, and (in two or three instances known to the speaker) by quiet bootlegging. Even here, perhaps, one might plead that ends justified means. In general, like the post-Civil War crop, these veterans were hard-working, businesslike, and a little impatient with spoon-feeding—with what Stephen Leacock once called "the convoy system" of American education.

Many colleges had been somewhat democratized by the war. All sorts and conditions had rubbed elbows in the military training program, and a conviction had grown stronger that all institutions of learning belonged to the public and the nation—whose students had been needed as officers, and their staff as scientists, technologists, specialists. Once more in the wake of war, the classics appeared to be in retreat as Yale

EDUCATION AND THE SOLDIER'S RETURN

and Princeton and other universities reorganized their curricula after 1919. For the sake of returning soldiers, entrance requirements were often lowered and classes of special students created. Harvard's refusal to count war service as scholastic credit was almost unique, most universities, whether wisely or sentimentally, succumbed to the idea. A further turn toward the vocational also appeared, with more and bigger courses in engineering, salesmanship, commerce, hotel management, even camp cooking (doubtless for the benefit of those perverse souls who had liked K P). A golden age of endowment in the twenties meant prosperity for many private schools and colleges, at the same time, higher tax revenues enhanced state universities. Between 1920 and 1930, the number of young Americans in college virtually doubled. To those, however, who remained unappeased by quantitative pomp, this did not pass as a golden age of intellect. Normalcy, demanding that "things should be as they never quite were," stemmed from materialism, from a peculiarly postwar conservatism that is a very near neighbor of cynicism. The moral and religious fiber of American life—by which one does not mean church attendance or praying in public, but the spiritual basis of that humanism which underlay the earlier Republic and saturated even non-churchgoing statesmen like Jefferson and Lincoln—had grown perceptibly weaker. Its effects were not only cultural but civic. "Patriotism is easy to understand in America," said Mr. Coolidge in 1923. "It means looking out for yourself by looking out for your country." Little wonder that our nation was soon offered the slogan of America First—of laziness, timidity, and self-seeking dressed up in the garb of nationalism. Fortunately, the old age is out, and time to begin a new.

III

To foretell the future is much more brash. What will happen to the returning soldier's education after this war? First of all, it seems certain that some educational opportunity

RETURN TO FREEDOM

will be offered all who wore the uniform, fit and disabled. Certain professions in whose ranks the interruption of war has caused shortage must be refilled from men lately in uniform; the extra expense of such professional training will require in many cases federal aid. The specially able must be winnowed from the dull and lazy by placing such benefits on a scholarship basis. For the great majority, probably one year or even a few months of retraining for peacetime skills will be enough. Those in armies of occupation and reconstruction will study under an expanded program of the Armed Forces Institute—which by means of correspondence lessons and self-teaching textbooks already offers a kind of peripatetic education to the serviceman wherever he may march. After this war, it is probable that education will become one of the main channels of veterans' benefits. In the first place, it is part of the widening social responsibility toward the returned soldier which Americans have felt steadily since the Revolution. In the second place, our bewildering maze of industrial life and skilled technologies increases this need in order to safeguard the veteran from future grief and dependence on Federal relief. (Among the more depressing minor symptoms of the times was a bill passed in 1943 by the legislature of this state authorizing the issue of free peddlers' licenses to ex-servicemen in New Jersey—evoking shades of Shays's Rebellion, Civil War hurdy-gurdy men, the Bonus marchers, and apple-sellers of the Great Depression, ghostly marchers stepping to the refrain, "Buddy, Can You Spare a Dime?") And finally, a third argument was lately advanced by the National Resources Planning Board in favor of an elastic system of education for veterans, namely, that schools and colleges might act as a reservoir of manpower, from which men could be released according to the demands of private industry, which at war's end is always apt to be deranged and swamped by the sudden demobilization of labor in war factories.

How schools and colleges themselves will be affected by the returning soldier is anybody's guess. Very different prog-

EDUCATION AND THE SOLDIER'S RETURN

nostications are in the air President Seymour has lately proposed for Yale an Institute of Collegiate Study, where veterans with irregular college entrance equipment but more than freshman maturity of mind can study the humanities as their needs and interests dictate. On the other hand, President Conant of Harvard expresses his belief that veterans will want little traffic with the humanities, that his university can serve them best by speeding up its tempo of instruction and skipping summer vacations. Certainly the veteran in school is going to be outspoken, critical, somewhat impatient of sacred cows browsing in the groves of Academe. Very probably, the postwar world will bring into conflict certain tensions in higher education that of ultra-conservatism against innovation, of vocational against liberal education, and of government supported against privately endowed systems. Just how these lines of fissure will run is still unclear.

Easier is a word of comment upon the present day and upon the direction of some straws already blowing in the wind. Since Pearl Harbor, the national function of colleges and universities has been asserted as never before. The Army Specialized Training Program and the Navy College Training Program (more commonly called V-12) have been set up under the oaks and elms of many an American campus. Once more, a hundred thousand bright lads with no prewar opportunity of going to college find themselves there, studying engineering, mathematics, physics, languages, at Uncle Sam's expense. A few civilians who suppose that these boys as a class are looking for an easy berth or safe anchorage, ought to talk to them, as I do in teaching ASTP classes to find that impatience, to get through this routine and go on active duty, is always the dominant mood. Among them, the old ferment of wartime education is at work: most of them are a little resentful of English and history, of "flowery stuff" that has little obvious relation to destroying the enemy. The language of guns speaks a universal Esperanto. Yet a good many, naturally enough, see the vital connection between clear thinking and clear expression, between social

RETURN TO FREEDOM

intelligence and the winning of a new world to build on. A few perceive that the loss of continuity in the liberal education of Americans, by wholly dropping a college generation during a four or five years' war, would be irrecoverable. To the older disciplines, it has lately become necessary to add another major, intensively taught preparation for battle. Pursuit of this aim to the exclusion of all else, however, is reminiscent of education among the Junkers and Samurai. Our bright young men, potential officers and leaders in days to come, will discover that after victory lies the task of reconstruction and a lifetime of citizenship. They need not only what science can teach us today and tomorrow, but what the past can teach us of yesterday, of man's accumulated record of trial and error, and the depth of long vistas. The humanities are not "flowery stuff," but root and fiber.

Another drift, recalling the old, old cycle, can be seen among many of our soldiers today—whether in the sheltered life of campus classes or among the hospitals and rest camps for men already returned from Italy and the South Pacific. There is a nostalgia for the way things were before the war—not only for Mother's cooking after army slum, or the soapy baths about which the soldier had trench fantasies, but for daily life as he knew it. War helps to make even youths old-timers, sensed in phrases like "I can remember when," and "In the good old days." One trainee writes "When the war is over, the average soldier will go home, take back his old job, or go back to school, and have those Sunday night dates again; but he won't give a thought to building a better world. . . . Whether he votes or not, he'll be dissatisfied with the politicians and grumble about the inefficiency of the government. . . . He'll be plain, ordinary Joe Doakes again, and he'll love it." A college man, however, *must* convince himself that the obligations of leadership call for no such abrupt dismissal of building a better world. Another remarks that he doesn't "want to be set loose in a country that is upset politically, economically, socially, or in any other way," that he even prefers "a regular automobile to any super-streamlined car."

EDUCATION AND THE SOLDIER'S RETURN

After the vast derangements and insecurities of war, this inevitably becomes the returned soldier's craving. But, if at all reflective, he will soon come to suspect the truth that he can't go home again. Whether better or worse, the new world for which he has risked his life, for which some of his friends have died, will never be the same. The torsion of war itself has seen to that. And if the soldier, like most Americans, has in him the marrow of idealism, he will begin to hope that this new world will be an improvement on the old—specifically, that his son will not have this job to do again. Many of Washington's veterans in the towns and villages of America worked as citizens to help build the Republic whose cornerstone they had laid. Some of Grant's men and Sherman's felt a kind of personal responsibility in the continuing preservation of that Union. But the majority of Pershing's doughboys, it seems, tried to forget the war or else stared helplessly at the crazy structure that politicians were rearing on the foundations of their victory. The future veteran, after World War II, it may be hoped, will show that creative leadership and citizenship has not atrophied in America—that social conscience and political intelligence can still come from those who wore the uniform and who are willing to remain still mobilized in spirit, not for bonuses and pensions and annual jamborees, but for whatever unselfish service they can render the nation whose uniform they wore. This then is the final test of the soldier's education.

